

Report on the conduct of the Shellharbour City Council Ward A election

30 July 2022



The NSW Electoral Commission acknowledges the Traditional Owners of Country throughout New South Wales and their continuing connection to the land, sea and community. Our head office is located on Gadigal land. We pay our respects to Elders past and present.

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Foreword from the Electoral Commissioner

On 5 April 2022 the Supreme Court of NSW made orders voiding the 2021 Local Government councillor elections for Kempsey Shire, Shellharbour City Ward A and Singleton councils held on 4 December 2021 due to a failure of the NSW Electoral Commission's technology-assisted voting platform, iVote. Those orders were sought by me, as Electoral Commissioner, in the public interest, to support the integrity of the election system. This meant that new elections would be required to elect councillors for these three councils. The elections were conducted on Saturday, 30 July 2022.

For the Shellharbour City Council Ward A election, two councillors were declared elected on 16 August 2022 from six candidates.

The conduct of the Shellharbour City Council Ward A election proceeded smoothly, with participation and formality rates of 81.87 per cent and 95.19 per cent, respectively.

As Electoral Commissioner for New South Wales I have conducted a review of the administration of the Shellharbour City Council Ward A election. This report reflects the outcomes of that review.

I regret the inconvenience caused to the council, its councillors, candidates and other political participants, and electors by the re-run of this election. I reiterate that there was no wrongdoing on the part of council or councillors referred to as defendants in the Supreme Court proceedings. The issue was the operation of the iVote system.

Shellharbour City Council was not required to pay for the new election and I agreed to meet the council's legal costs. The Electoral Commission also established an Act of Grace payment scheme to reimburse election participants in the voided election for their lawfully incurred electoral expenditure.

The delivery of efficient, accurate and trusted elections, in accordance with New South Wales electoral legislation, relies heavily upon the capability of NSW Electoral Commission staff. I extend my gratitude to everyone at the NSW Electoral Commission, the temporary election workforce, suppliers and contractors for the successful conduct of this election.



John Schmidt

Electoral Commissioner for New South Wales

Background to this election

The LG Regulation was amended in July 2021 to allow the use of iVote, the NSW Electoral Commission's technology-assisted voting platform, at the NSW Local Government elections held on 4 December 2021. This was the first time iVote was available for voting at a council election.

The iVote platform was available from Monday, 22 November through the early voting period to election day on Saturday, 4 December 2021. At close of the iVote registration period at 1pm on election day, almost triple the number of voters had used iVote than at any previous election conducted in New South Wales.

As a result of a system issue experienced on election day, however, a number of electors who successfully applied to use iVote were not issued with the necessary security credentials to enable them to cast a vote by the close of voting at 6pm on election day. While some of these voters were able to vote by other means, a significant number were not.

Following an analysis of the potential impact of this issue on the outcome of the elections, the NSW Electoral Commissioner formed the view that there was a material possibility that a different outcome might have occurred in three contests. Recognising that public trust in the legitimacy of election results is critical to our electoral system, the NSW Electoral Commissioner subsequently applied to the NSW Supreme Court to consider the validity of the elections held for Kempsey Shire Council, Singleton Council and Shellharbour City Council Ward A.

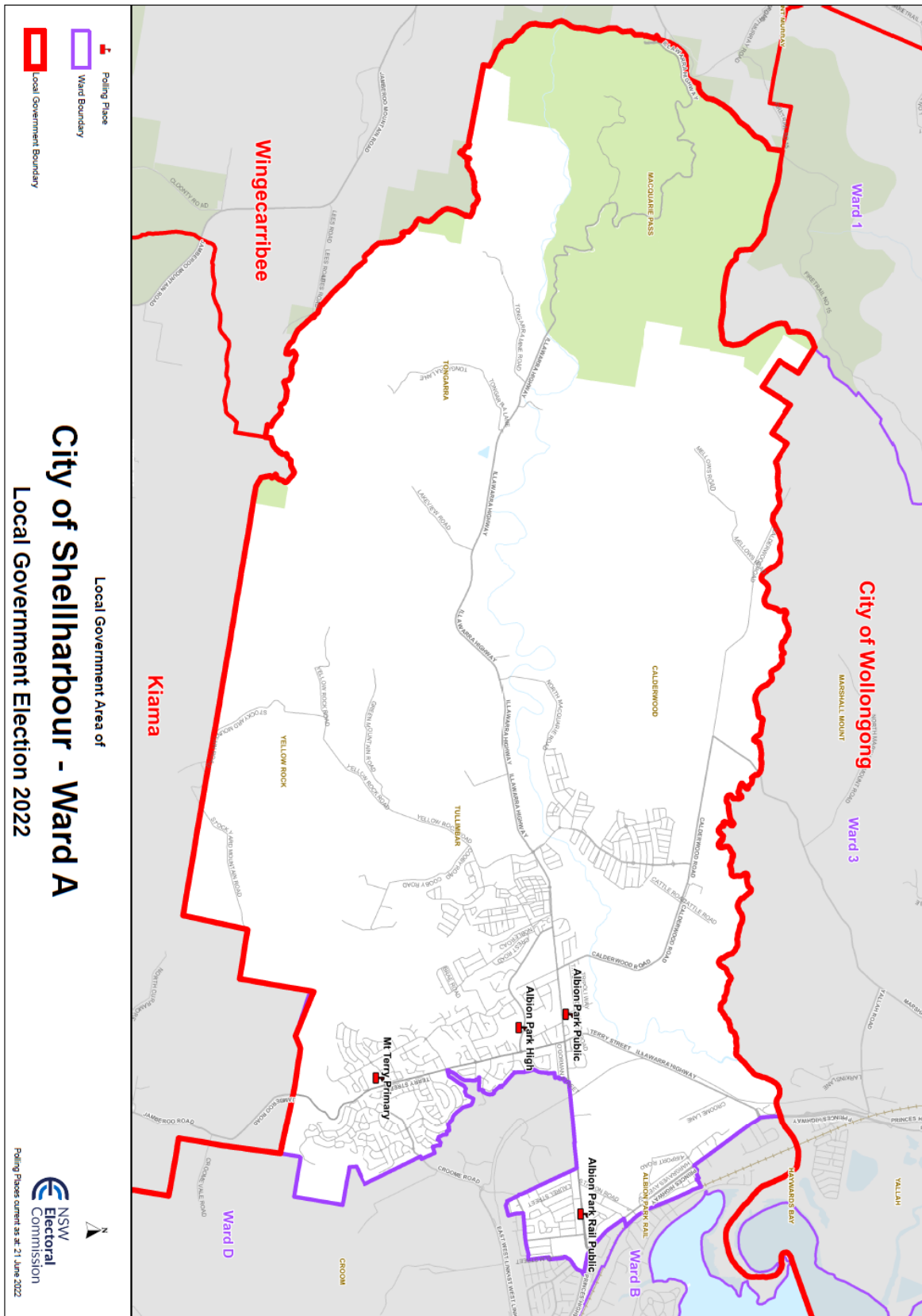
The Court decided that the councillor elections for these councils were void, with its orders effective from 3 May 2022, and the elections would need to be re-run. The date of Saturday, 30 July 2022 was subsequently set for rerunning the election.

Key dates

Table 1: Shellharbour City Council Ward A election timeline

Date	Activity
Monday, 6 June 2022	Candidate, group and third-party campaigner registration opens Start of capped expenditure period for candidates and third-party campaigners
Monday, 20 June 2022	Open of nominations 6pm: Close of rolls
Tuesday, 21 June 2022	9am: Postal vote applications open
Wednesday, 29 June 2022	Start of registration of electoral materials 12 noon: Close of nominations 12 noon: Close of registration of candidates
Thursday, 30 June 2022	10am: Ballot paper draw
Monday, 18 July 2022	Open of pre-poll voting
Friday, 22 July 2022	5pm: Close of registration of electoral materials
Monday, 25 July 2022	5pm: Postal vote applications close Close of registration for third-party campaigners
Friday, 29 July 2022	Close of pre-poll voting
Saturday, 30 July 2022	ELECTION DAY polls open 8am – 6pm End of capped expenditure period
Friday, 12 August 2022	6pm: Close of return of postal votes to the NSW Electoral Commission
Monday, 15 August 2022	Distribution of preferences to determine elected candidates
Tuesday, 16 August 2022	Declaration of results by returning officer
Thursday, 28 July 2022	Disclosures of political donations for the half-yearly period 1 January to 30 June 2022 due
Thursday, 22 September 2022	Disclosures of electoral expenditure for the annual period 1 July 2021 to 30 June 2022
Friday, 21 October 2022	'Apparent failure to vote' notices issued

Shellharbour City Council Ward A area



The election in detail

At the close of nominations on Wednesday, 29 June 2022, six candidates had nominated to fill the two vacancies. Two councillors were elected at the Shellharbour City Council Ward A election. The result was declared on 16 August 2022.

Table 2: Shellharbour City Council Ward A election 30 July 2022 – first preference votes

Candidate	Affiliation	Number of first preference votes	Percentage of formal first preference votes	Elected following distribution of preferences
Marianne SALIBA	No affiliation	461	3.66	
Liz KEMP	No affiliation	93	0.74	
Maree EDWARDS	Labor	301	2.39	Elected
Aarron VANN	Labor	260	2.06	
Kellie MARSH	Independent	1,236	9.80	Elected
Shane BITSCHKAT	Independent	216	1.71	

Note: The order of candidates is the order in which the candidates' names appeared on the ballot paper as per the ballot paper draw (see [Appendix A](#)). Detailed information on the result counts and the distribution of preferences is available on the NSW Electoral Commission's [website](#).

Table 3: Shellharbour City Council Ward A election 30 July 2022 – summary

Enrolment	
Total electors (as at close of rolls)	16,312
Venues and staff	
Pre-poll (early voting) venues	1
Polling places (voting centres on election day)	4
Staff employed	86
Voter turnout	
Formal votes	12,609
Informal votes	637
Total votes	13,246
Voter participation rate*	81.87%
Formality rate	95.19%
Non-voting penalty notices issued	2,615
Voting channels used (includes informal votes)	
Ordinary (pre-poll and election day)	12,185
Postal votes counted	887
Enrolment/declaration	174
Candidates	
Candidates contesting the election	6
Councillor positions vacant	2

*Based on votes issued to electors. Includes informal votes as well as declaration votes rejected during scrutiny.

Electoral rolls

Residential roll

The New South Wales electoral roll is jointly managed by the NSW Electoral Commission and the Australian Electoral Commission.

Legislation provides that the electoral roll closes for local government elections on the 40th day before the day of an election. For Shellharbour City Council Ward A, any person who was on the roll when it closed at 6pm on 20 June 2022 was required to vote. Rolls are closed to allow sufficient time to print and distribute the authorised rolls and for nomination purposes. Eligible Australian citizens can enrol and vote during pre-poll and on election day.

There were 16,312 electors on the residential electoral roll for Shellharbour City Council Ward A at the close of rolls.

Non-residential roll

Inclusion on the non-residential roll of electors is available to electors who pay rates to the council on property they own but do not occupy, as well as people who occupy or lease property. Under the *Local Government Act 1993*, the council's general manager is responsible for compiling and maintaining the non-residential roll of electors. The non-residential roll lapses after each election.

There were no electors on the non-residential roll for Shellharbour City Council Ward A.

Voting services

The following voting options were available for the Shellharbour City Council Ward A election:

- postal voting, if eligible
- pre-poll (in-person early voting) – all electors were eligible to vote in person during the pre-poll period
- telephone voting, available to electors who are blind or low vision
- in-person voting on election day.

Postal voting

Table 4: Shellharbour City Council Ward A election 30 July 2022 – postal vote key dates

Date	Process
Tuesday, 21 June 2022	9am: Postal vote applications open
Monday, 25 July 2022	5pm: Postal vote applications close
Election day Saturday, 30 July 2022	6pm: Elector to complete their postal vote ballot paper and postal vote certificate
Friday, 12 August 2022	6pm: Close of return of completed postal votes to the NSW Electoral Commission

Table 5: Shellharbour City Council Ward A election 30 July 2022 – postal vote analysis

Postal votes issued	Postal votes returned*
1,095	987

* All postal votes returned undergo scrutiny to determine whether they can proceed to the count.

Pre-poll (early voting, in person)

All electors were eligible to vote in person during the pre-poll period Monday, 18 July 2022 until 5pm Friday, 29 July 2022.

The pre-poll location was published on the NSW Electoral Commission's website, including information about accessibility, opening hours and the COVID-19 safety measures in place (see [Appendix B](#)).

Based on public health guidelines in place at the time of the election, onsite voting in declared facilities¹ was not offered at the Shellharbour City Council Ward A election due to public health and safety concerns relating to the COVID-19 pandemic.

Telephone voting

Telephone voting was available for electors who are blind or have low vision. To use this service, eligible electors called the NSW Electoral Commission's Elector Enquiry Centre. Telephone voting was available from Monday, 25 July 2022 (9am to 5pm for registration and voting) and on election day Saturday, 30 July 2022 (registration closed at 1pm, voting closed at 1:30pm).

To maintain the secrecy of a telephone vote, the NSW Electoral Commission established a two-step process: i) registration and ii) voting. A registration operator confirms the elector's eligibility and personal details and issues a unique registration number. A second operator records the elector's vote, using only the unique registration number to ensure the caller is eligible to vote in the election. This separation ensures that the voting operator cannot personally identify the elector. The voting operator verifies the accuracy of the preferences recorded by reading them back to the elector before placing the ballot paper in the ballot box. The voting step is monitored from end-to-end by another election official to support the overall integrity of the process.

Voting in-person on election day

Polling places (voting centres) were open on election day from 8am to 6pm (see [Appendix B](#)). The location of polling places was published on the NSW Electoral Commission's website, along with information about accessibility.

¹ Declared facilities include hospitals, nursing homes, retirement villages or similar facilities that are appointed by the Electoral Commissioner to receive mobile voting services to enable onsite in-person voting.

COVID-19 safety measures

Due to the continued impact of the COVID-19 pandemic throughout 2022, the NSW Electoral Commission's *COVID-19 Action Plan* was implemented for the Shellharbour City Council Ward A election to safeguard the health, safety and wellbeing of voters, election staff, political participants and the public. Key measures included:

- encouraging electors to bring their own pen, or use the single-use pens provided at all voting venues, to mark their ballot papers
- maintaining physical distancing at voting venues by managing elector numbers and ensuring sufficient space between voting screens and ballot paper issuing tables
- employing additional election staff to assist in managing physical distancing and implement hygiene measures
- regularly cleaning surfaces, including voting screens and ballot paper issuing tables
- providing hand sanitiser and other personal protection equipment for use by election staff, electors and political participants.

Training modules covering COVID-19 infection control practices were undertaken by all staff. The NSW Electoral Commission also produced a series of videos explaining the key health protection measures and displayed posters in voting and count centres as a safety reminder.

Postal voting was available for electors in COVID-19 isolation up until the close of applications at 5pm Monday, 25 July 2022.

Electors who had COVID-19 on election day or were household contacts were advised to follow NSW Health guidelines about self-isolation. If an elector was unable to vote because they were in COVID-19 self-isolation they would, after the election, receive an apparent failure to vote notice. These electors were required to advise the Electoral Commissioner of their inability to vote because of COVID-19 isolation and would not be fined.

The Electoral Commission acknowledges the importance of scrutineering in ensuring confidence in the electoral process. COVID-19 procedures were put in place for scrutineers to ensure the safe conduct of this elections.

The COVID-19 safety plan for elections, which details the safety measures expected to be followed by scrutineers and other election participants is available on the NSW Electoral Commission's [website](#).

Advertising and communications campaign

The NSW Electoral Commission conducted a campaign to raise awareness of the Shellharbour City Council Ward A election and provide information to electors and political participants. All communications and advertising activities directed people to the Electoral Commission's [website](#). For advertisements, press releases and social media posts, see [Appendix C](#).

Print and digital advertising

- Print advertising in the Sydney Morning Herald and Daily Telegraph covering enrolment, nominations, voting options and candidates.
- Social media posts were rolled out across the NSW Electoral Commission's channels to raise awareness of the election and the support available for electors including Auslan interpreters and translated information.

Council stakeholder communication support

Shellharbour City Council was provided with advertising templates for use in local newspapers, and a 'media kit' including advertising assets and templates for posters and flyers for use within the local community.

Concurrent communications campaigns

The following communications campaigns were delivered to NSW Electoral Commission key audiences concurrently with the Shellharbour City Council Ward A election voter awareness campaign:

- election workforce recruitment
- political donations awareness and education.

Media liaison

Proactive media engagement through targeted media releases supported the various phases of the election from the open of nominations through to results.

Assistance for voters

Elector brochure

A brochure was sent to all electors in Shellharbour City Council Ward A with information about the election including voting options, voting locations and an example of the ballot paper. The brochure is reproduced at [Appendix D](#).

Election reminder service

The election reminder service enables voters to sign up to receive free SMS and/or email reminders about New South Wales state and local government elections relevant to their enrolled address.

For the Shellharbour City Council Ward A election, 862 early voting reminders were sent by email and 958 by SMS on 19 July 2022. On 28 July 2022, 863 subscribers were sent a final reminder email about voting on election day, and 947 final SMS reminders were issued.

In-language resources

The NSW Electoral Commission provided in-language support for electors whose primary language is not English.

- Translated voting information, including instructions on how to postal vote, was available on the NSW Electoral Commission's [website](#) in 24 most prevalent languages spoken by NSW electors who are not also proficient in English.
- Translation and interpreting services are available by phone via the National Translation and Interpreting Service (131 450).
- Election staff who spoke a language other than English were available to assist voters at voting centres. These staff could be identified by badges indicating the language(s) they spoke.

In-language services and information to support culturally and linguistically diverse electors were promoted via digital advertising, displayed on posters at all polling places and shared with the NSW Electoral Commission's Culturally and Linguistically Diverse reference group members for distribution to their members and networks.

Other support available for electors

The NSW Electoral Commission supports electors who may need help completing their vote.

- All voting centres had accessible voting screens, maxi pens and magnifying sheets available for use by electors. Voting centre accessibility ratings were published on the NSW Electoral Commission's website.
- Braille ballot papers were offered for this election.
- All electors could contact the NSW Electoral Commission via the National Relay Service.
- Auslan interpreters were available on pre-poll Saturday, 23 July 2022 and election day Saturday, 30 July 2022 to connect with electors remotely via Skype.

These services and information to support electors were promoted via digital advertising, displayed on posters at all polling places and shared with the NSW Electoral Commission's Equal Access to Democracy Disability reference group members for distribution to their members and networks.

Candidates, political parties and other political participants

Electoral funding registration

Candidates and groups must be registered for an election before accepting a political donation or making a payment for electoral expenditure. It is an offence for a candidate to accept a political donation or make a payment for electoral expenditure without being registered.

Candidates and groups registered for the 4 December 2021 local government councillor election were required to register again for the Shellharbour City Council Ward A election on 30 July 2022 to lawfully accept political donations and make payments for electoral expenditure.

Registration for the election is a separate process to being nominated as a candidate or group. All candidates and groups who did not accept political donations or make payments for electoral expenditure before being nominated were taken (deemed) to be registered when they nominated for the election (by the returning officer, usually the day after the close of nominations). From that time, all nominated candidates can lawfully accept political donations and make payments for electoral expenditure for the election.

A person or entity (not being a party, associated entity, elected member or candidate) who incurs electoral expenditure of more than \$2,000 during the capped state expenditure period is a third-party campaigner. The third-party campaigner must be registered before making payments for that expenditure. It is an offence for a person or entity to make such payments or accept political donations for that purpose without being registered.

For the Shellharbour City Council Ward A election, electoral funding registration forms were available on the NSW Electoral Commission's website and could be lodged with the Electoral Commission from Monday, 6 June 2022. The registration period for closed for candidates and groups on Wednesday, 29 June 2022 and Monday, 25 July 2022 for third-party campaigners.

Six candidates were registered for the by-election, four of whom were deemed to be registered upon nomination. Three groups of candidates were registered for the election, two of which were deemed to be registered upon nomination. One third-party campaigner was registered for the by-election. Registers are published on the NSW Electoral Commission's [website](#).

Nominations

Nomination forms were available on the NSW Electoral Commission's website and could be lodged from Monday, 20 June to 12 noon on Wednesday, 29 June 2022.

Following the close of nominations, the ballot paper draw was conducted on Thursday, 30 June 2022 to determine the order that the six candidates would appear on the ballot paper.

Electoral material

The period for registration of electoral material commenced on Tuesday, 19 July 2022 and closed at 5pm on Friday, 22 July 2022.

- Electoral material produced, published, distributed or displayed during the regulated period for the by-election must comply with the requirements of the *Electoral Act 2017*.
- Electoral material distributed on election day must be registered with, and approved by, the NSW Electoral Commission. It is an offence to distribute electoral material on election day unless the material has been registered and approved.

"Distribution" of electoral material includes the placement of electoral material in a public place that can be collected by voters. Posters are not required to be registered but they must comply with the requirements detailed in the *Candidate handbook* published for each election by the NSW Electoral Commission.

Information and resources

The NSW Electoral Commission distributed five information bulletins to provide political participants with key information about the election and their obligations and entitlements. Election notices were issued advising of the election, calling for nominations, and explaining the voting methods.

A candidate information webinar was held on Thursday, 16 June 2022 covering key information: candidate registration, nominations, the ballot paper draw, and electoral material.

Website information and updates

The NSW Electoral Commission's website provided a range of information concerning participation in the election, including the election timetable, candidate requirements, employment opportunities, enrolment, how to vote, when to vote, where to vote, names of candidates, information about COVID-19 safety measures at venues, and election results.

The Shellharbour City Council Ward A election web pages received 15,250 views during the election period.

The Electoral Commission published daily pre-election metrics for this election, including the number of postal vote applications received, postal votes returned and pre-poll totals.

Election staff

The NSW Electoral Commission employed 86 people to work at the Shellharbour City Council Ward A election. Recruitment of election staff took place via the Electoral Commission's online registration system.

The majority of casual staff were employed to work on election day in voting centres, or during the two weeks prior to election day in pre-poll centres. Some roles were based in the returning officer's office to help recruit staff, pack and prepare materials for the voting centres, count votes and pack materials after the election.

Table 6: Number of staff for each role for the Shellharbour City Council Ward A election

Role	Number employed	Tasks
Polling place manager	4	The election official responsible for managing a pre-poll venue (early voting centre), or a polling place (voting centre) on election day.
Deputy polling place manager	4	Supports the polling place manager. Undertakes key election operational activities under the guidance of the polling place manager.
Declaration vote issuing officer/information officer	12	Supports the polling place manager, and responds to elector enquiries, issues ballot papers to electors who require a declaration vote.
Election official	38	The task of election officials is to issue ordinary votes, respond to elector enquires and manage queues (internal and external to polling places). In response to COVID-19 additional election officials were employed to manage physical distancing requirements and conduct safe hygiene practices.
Office assistant	22	Reports to the senior office assistant. Performs general office administration, packing and checking of election materials, issuing ballot papers during early voting, and counting ballot papers.
Senior office assistant	5	Senior office assistants assist the returning officer manage key tasks during the election period including staffing and venue management, the secure receipt and return of election material, and managing counting and results.
Returning officer	1	An official appointed by the Electoral Commissioner to conduct an election for one or more council areas. Duties include staffing the returning officer's office, conducting the ballot paper draw and liaising with political parties, candidates and the public.
Total	86	

Of the staff employed throughout the election period, two staff members identified as being Aboriginal, nine staff members spoke a language other than English, and three staff had not previously worked at an election. All staff were required to complete online training, mapped to their job role. An additional online module was developed to provide staff with safe work practice guidelines relating to COVID-19.

Returning officer

The returning officer's office was located at 108A Tongarra Road (via Halket Lane) Albion Park, NSW.

The duties of the returning officer include:

- set up and decommissioning of the returning officer's office
- training of office staff, polling place managers and deputy polling place managers
- arranging voting at polling places
- issuing and processing postal and early votes
- responding to enquiries from candidates and electors
- processing candidate nominations and electoral material
- counting votes.

A returning officer support officer was appointed in the NSW Electoral Commission's head office to monitor, guide and support the returning officer on electoral matters and procedures in the preparation and conduct of the election.

Work health and safety principles

Work health and safety principles focussing on fatigue management were implemented for the Shellharbour City Council Ward A election in the interests of staff safety and wellbeing. The principles included cut-off times for counting on election night and closing times for voting venues and returning officer's office.

General principles

- staff will not work in isolation
- one 30-minute break to be taken every five hours
- a minimum break of eight consecutive hours between rostered shifts
- staff should not work more than six consecutive days
- maximum 10-hour shifts, with the exception of election day

Election day operations

- all counting to cease at 10:30pm on election night
- staff working in the returning officer's office will not work past 11pm on election night
- voting centre staff to cease work no later than 11pm on election night
- on election night, staff should not be expected to drive more than one hour from their voting/count venue to a nominated material drop-off point
- staff responsible for returning materials on election night will finish no later than 12.30am.

Venues and logistics

Polling places and office premises

The NSW Electoral Commission selects the most suitable premises from those available. Venue considerations were extensive and included size, location, accessibility, amenities, street frontage, access for deliveries, internet connectivity and workplace health and safety. The ability to secure premises that met functional requirements presented challenges, particularly in negotiating agreements to enter short-term leases when the supply of premises is limited.

The Electoral Commission aimed to provide accessible and appropriately sited polling places (voting centres) for the Shellharbour City Council Ward A election. Polling place locations, including information about venue accessibility, were published on the Electoral Commission's website.

Table 7: Shellharbour City Council Ward A venue numbers and accessibility

Venue type	Fully accessible	Assisted access	No wheelchair access	Total
Pre-poll (early voting) venue	0	1	0	1
Polling places	1	1	2	4

Supplies

A total of 22,300 ballot papers were printed (20,300 ordinary and 2,000 postal).

As part of the *COVID-19 Safety Plan* for the Shellharbour City Council Ward A election, voters were encouraged to bring their own pen. Single-use pens were also provided and voters were able to take these with them when leaving the voting centre.

Waste management

The NSW Electoral Commission operates within the NSW Government's waste management policy framework. In providing electoral services, wherever possible the Electoral Commission seeks to use paper and cardboard items comprising recycled content and to ensure that the paper and cardboard items are themselves recycled. For the Shellharbour City Council Ward A election, standard cardboard items used in voting centres included voting screens, accessible voting screens, ballot boxes, signage and recycle bins.

Counting and results

From 6pm on election night, the initial count (sorting and counting of first preference votes) was conducted on all ballot papers at each polling place and some, but not all, pre-poll votes at the returning officer's office.

From the Monday following election day, initial counts on the remaining pre-polls votes, declaration votes and postal votes continued at the returning officer's office until the close of receipt of postal votes at 6pm on Friday, 12 August 2022. During this period, all ballot papers (for all vote types from all venues) underwent a manual check count. Results were published on the NSW Electoral Commission's website from 6pm on election night and updated progressively.

The distribution of preferences was conducted at 10am on Monday, 15 August 2022.

There was no request for a recount. The result of the election was declared on Tuesday, 16 August 2022. Count reports are available on the NSW Electoral Commission's [website](#).

Failure to vote notices

Under electoral legislation, the Electoral Commissioner is required to issue 'Apparent failure to vote' notices to those electors whose names were not marked off the electoral roll as having voted or not recorded as providing a valid reason for not voting. The penalty for not voting is \$55.00. The funds generated from penalty notices are not retained by the NSW Electoral Commission but are paid into NSW Government consolidated revenue.

All electoral rolls used for voter name mark-off at voting centres or in the returning officer's office were scanned after election day to create a list of apparent non-voters for the by-election. The Electoral Commission issued 2,615 penalty notices on Friday, 21 October 2022. The remainder of electors who did not vote had provided a valid excuse for not voting either prior to or immediately after election day.

Responses to the notices can be submitted either by mail, email, or through the NSW Electoral Commission's online payments system. The notice provides options to satisfy the matter by either:

- paying the penalty of \$55.00
- advising of the voting centre attended
- submitting a reason for failure to vote for review
- electing for the matter to be dealt with by a court.

If the elector's reason for failing to vote is not accepted, a final notice will be issued giving two options:

- paying the penalty of \$55.00
- electing for the matter to be dealt with by a court.

If a person does not respond to the initial notice by the due date (28 days from the issue of the notice), a reminder notice is issued, giving a further 28 days to deal with the matter. If no response to the reminder notice or final notice is received by the due date, the matter is referred to Revenue NSW for enforcement action.

Compliance and enforcement operation

Overview and objectives

The NSW Electoral Commission, rather than the Electoral Commissioner, is responsible for ensuring compliance with, and enforcement of, the electoral provisions of the *Local Government Act 1993*, the *Electoral Funding Act 2018* and various other electoral legislation.

Compliance operations were conducted during the election period to support the fair and transparent conduct of the election.

Table 8: Potential offences under the *Local Government (General) Regulation 2021*

Reference	Offence	Maximum penalty
S.356D	Printing, publishing and distributing non-complying electoral material.	\$1,100
S.356E	Display of posters	\$1,100
S.356G	Name and address on electoral material	\$550

Reference	Offence	Maximum penalty
S.356K, S.356O	Canvassing	\$550
S.358	Misconduct in voting	\$1,100
S.367	Obstructing access	\$55
S.368	Persons present in polling place	\$550
S.369	Misconduct by scrutineers	\$1,100
S.375	Election bribery, treating and selling of votes	\$11,000
S.377	Interference with right to vote	\$11,000
S.215 (<i>Electoral Act 2017</i>)	Print/distribute material falsely appearing to be made by NSWEC	\$22,000/ 2 years imprisonment or both

Table 9: Potential offence under the *Electoral Funding Act 2018*

Reference	Offence	Maximum penalty
S.42/S.145(1)	Third-party campaigner – failure to register and appoint an agent	\$44,000 or 2 years imprisonment or both

Execution of the compliance operation

The compliance operation commenced from the opening of the pre-poll voting period on Monday, 18 July and concluded on election day Saturday, 30 July 2022. Six investigators from the Electoral Commission participated in the operation across the three council elections conducted (Kempsey Shire, Shellharbour City Ward A and Singleton). In addition to their functions as inspectors under the *Electoral Funding Act 2018*, the investigators were also appointed to the role of election official under the *Local Government Act 1993* so that they could exercise functions under that Act throughout the operation.

Investigators attended the Shellharbour City Council Ward A pre-poll office on four occasions, and on election day investigators inspected all polling places and engaged with various stakeholders, including election officials, candidates, campaigners and volunteers. The presence of the investigators served the dual purpose of educating stakeholders on their obligations under the Local Government Act and the Electoral Funding Act as well as acting as a deterrent for non-compliant behaviour.

A total of three matters were reviewed by investigators regarding alleged breaches of legislation in relation to the three council elections. All allegations were reviewed in accordance with the NSW Electoral Commission *Compliance and Enforcement Policy*, with priority given to educating political participants so they could remediate non-compliance where possible. All allegations were acknowledged in writing within 24 hours of receipt of the allegation. Details about the enforcement activities of the Electoral Commission are published in an annual report to the NSW Parliament.

Statutory Act of Grace payment scheme

To alleviate the financial impact of the voided elections on candidates, and political parties that endorsed candidates in the Kempsey, Shellharbour City Ward A and Singleton council elections, delegated authority from the Acting Premier was given on 31 March 2022, under section 5.7 of the *Government Sector Finance Act 2018*, to offer Act of Grace payments to those affected. The affected candidates and parties were offered reimbursement for electoral expenditure that was legally incurred campaigning for the voided elections.

There were 41 eligible candidates and three political parties in the three affected councillor elections. Candidates and parties were contacted via email and by post, informing them of their eligibility to apply for an Act of Grace payment, reimbursing them for legally incurred expenditure. As the primary purpose of the scheme was to reimburse candidates for expenditure on campaigning for an election that was subsequently voided, no obligation was imposed on candidates to recontest the new elections held later in 2022 in order to receive payment.

Applications for Act of Grace payments were made by 25 candidates and two parties. Fourteen applications were from candidates and a political party who endorsed candidates in the Kempsey Shire local government councillor election, 11 applications were from candidates and a political party who endorsed candidates in the Singleton local government councillor election and two applications were from candidates in the Shellharbour City Ward A local government councillor election. Each application was audited to ensure compliance with the scheme's terms and conditions and was then considered for approval by the NSW Electoral Commission. All 27 applications were approved with a total amount paid of \$97,616.95.

In accordance with requirements of the *Government Sector Finance Act*, the Electoral Commission must maintain a register of Act of Grace payments made, to be retained for five years from the date of payment. The register is published on the NSW Electoral Commission's [website](#).

Appendices

Appendix A: Shellharbour City Council Ward A – ballot paper

DIRECTIONS FOR VOTING You may vote in one of two ways:		ELECTION OF 2 COUNCILLORS Ward A City of Shellharbour			Held on 30 July 2022
<p>either</p> <p>Place the number "1" in the square above the group of candidates for whom you wish to vote. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "2" in the squares above the additional groups of candidates in order of your preferences for them.</p>	GROUP A	GROUP B	GROUP C		
	<input type="checkbox"/>	<input type="checkbox"/> LABOR	<input type="checkbox"/>		
<p>OR</p> <p>Place the number "1" in the square next to the candidate of your choice. If you wish to vote for additional candidates, place consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in order of your preferences for them.</p> <p>Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).</p>	GROUP A	GROUP B	GROUP C		
	<input type="checkbox"/> SALIBA Marianne <input type="checkbox"/> KEMP Liz	<input type="checkbox"/> EDWARDS Maree LABOR <input type="checkbox"/> VANN Aaron LABOR	<input type="checkbox"/> MARSH Kellie Independent <input type="checkbox"/> BITSCHKAT Shane Independent		
You must not take a ballot paper out of the polling place					

Appendix B: Shellharbour City Council Ward A – voting locations

Pre-poll (early voting) locations

Venue	Address	Suburb	Accessibility
Albion Park	108A Tongarra Road	Albion Park	Assisted access

Election day voting centres

Venue	Address	Suburb	Accessibility
Albion Park High	120 Church Street	Albion Park	No wheelchair access
Albion Park Public	Hamilton Street	Albion Park	Fully accessible
Albion Park Rail Public	Tongarra Road	Albion Park Rail	No wheelchair access
Mt Terry Primary	175 Ashburton Drive	Albion Park	Assisted access


Appendix C: Shellharbour City Council Ward A – advertising, media and communications

Media releases

Media releases were distributed to promote key milestones of the election, including open of candidate nominations and announcement of candidates; commencement of early voting; and election day.

Release: [Wednesday, 8 June 2022](#)

Subject: New council elections date: Kempsey, Singleton and Shellharbour Ward A



Wednesday, 8 June 2022

New council elections date: Kempsey, Singleton and Shellharbour Ward A

Saturday, 30 July has been set as the date for local council elections to be held for Kempsey Shire Council, Singleton Council and Shellharbour City Council Ward A only.

New local elections must be held in these areas after the Supreme Court decided that a problem with the iVote system meant the December 2021 elections in these areas were void.

NSW Electoral Commissioner, John Schmidt said the electoral roll for these elections must close at 6pm on Monday, 20 June, so it was important eligible voters in these areas make sure their details are up to date.


"I would encourage anyone who is unsure about where they are enrolled to [check and update](#) their details on the roll if needed."

"I acknowledge that electors in these areas have already had to vote twice in the last six months – once for council and once at the recent Federal elections" Mr Schmidt said.

"However, if you are enrolled as a resident in any of these local government areas – Kempsey, Singleton or Shellharbour Ward A only – you will need to vote again. Voting at these elections is compulsory."

Mr Schmidt said he also encouraged candidates wishing to nominate in these elections to start preparing their nominations now.

Release: [Friday, 17 June 2022](#)



Friday, 17 June 2022

Nominations open: Kempsey, Shellharbour Ward A and Singleton

[Candidate nominations for local council elections open Monday, 20 June](#)

Nominations for candidates who plan to contest the NSW local council elections for Kempsey Shire Council, Shellharbour City Council - Ward A and Singleton Council will open Monday, 20 June and will close at 12 noon on Wednesday, 29 June 2022.

NSW Electoral Commissioner, John Schmidt said nomination forms are available from elections.nsw.gov.au or by calling the NSW Electoral Commission's candidate helpdesk on 1300 022 011.

"I encourage anyone interested in running in one of the upcoming local council elections to start preparing their nominations."

"From Monday, forms can be submitted in person at the office of the local Returning Officer. Late or incomplete submissions cannot be accepted," he said.

Mr Schmidt said the NSW Electoral Commission website contains lots of helpful information explaining [how to become a candidate](#).

"Potential candidates can familiarise themselves with election processes and obligations by following the "Six steps to being a candidate" available at elections.nsw.gov.au"

"This section covers political donations and electoral expenditure, registering as a candidate, how to register electoral material and more."

Mr Schmidt also reminded potential candidates that to be nominated as a candidate for an election in a local government area or ward, you must be enrolled to vote in the local government area by 6pm on Monday, 20 June 2022.

A candidate must be nominated by a registered political party or by at least two people enrolled in the area or ward.

Release: **Tuesday, 28 June 2022**



Tuesday, 28 June 2022

Nominations close tomorrow: Kempsey, Shellharbour Ward A and Singleton council elections

Ballot paper draw for NSW local council elections to be held Thursday, 30 June

Candidates planning to nominate for the Kempsey Shire Council, Shellharbour City Council - Ward A and Singleton Council elections have until midday on Wednesday, 29 June to submit their nomination.

NSW Electoral Commissioner, John Schmidt said nominations should be lodged as soon as possible.


*Prospective candidates can find information about election processes and their obligations by following the [‘Six steps to being a candidate’](#) available on our website.

Incomplete nominations or nominations received after 12 midday on Wednesday, 29 June cannot be accepted. Any corrections or additions to a nomination must also be completed by this time.

Nomination deposits must also be received by the Returning Officer no later than 12 midday on Wednesday, 29 June.

Release: **Friday, 1 July 2022**

Subject: Candidates announced: Kempsey, Shellharbour Ward A and Singleton



Friday, 1 July 2022

Candidates announced: Kempsey, Shellharbour Ward A and Singleton


Candidates for the NSW local council elections for Kempsey Shire Council, Shellharbour City Council - Ward A and Singleton Council on Saturday, 30 July have been announced by the NSW Electoral Commission.

Following the ballot paper draws, candidate details, including the order in which candidates will appear on the ballot paper are available on the [NSW Electoral Commission website](#).


Find the full list of nominated candidates on our election event pages:

- [Kempsey Shire Council](#)
- [Shellharbour City Council – Ward A](#)
- [Singleton Council](#)

Media contact
0400 810 162 | nswecmedia@elections.nsw.gov.au | elections.nsw.gov.au
231 Elizabeth Street | Sydney NSW 2000 | GPO Box 4046 | Sydney NSW 2001



Release: **Friday, 15 July 2022**



Friday, 15 July 2022

Early voting opens Monday: Kempsey, Shellharbour Ward A and Singleton council elections

Early voting opens this Monday, 18 July for voters in Kempsey Shire Council, Shellharbour City Council Ward A and Singleton Council, ahead of election day on Saturday, 30 July.

Pre-poll will be operating from 9am to 5pm Monday to Saturday, until Friday 29 July, at the below venues:

- Shellharbour (Ward A) - Centenary Hall: 108A Tongarra Road, Albion Park
- Kempsey - Kempsey Anglican Church: 28-30 Kemp Street, Kempsey
- Kempsey - South West Rocks CWA Rooms: 47 Landsborough Street, South West Rocks
- Singleton - Singleton Youth Venue Auditorium: 9 Bathurst Street, Singleton

John Schmidt, NSW Electoral Commissioner, encourages people enrolled to vote in these elections to plan how they will vote before election day.


"If you won't be able to vote on election day – Saturday, 30 July – make sure you plan how you will vote well in advance.

"All voters are eligible to vote in person during the early voting period and postal voting is available to those who meet certain eligibility criteria," said Mr Schmidt.

"Postal voting applications are already open for eligible voters. Voters can check their eligibility on the NSW Electoral Commission website at elections.nsw.gov.au"

Applications for postal voting close at 5pm, Monday 25 July. Voters must complete their postal vote certificate and ballot papers by 8pm on election day. Once completed, these must be returned in the provided 'reply paid' envelope and received by the NSW Electoral Commission by 6pm, Friday 12 August.

Release: **Friday, 29 July 2022**



Friday, 29 July 2022

Election day voting: Kempsey, Shellharbour Ward A and Singleton council elections

Voters are reminded that election day for the Kempsey, Shellharbour Ward A and Singleton council elections is tomorrow, Saturday 30 July.

Pre-poll voting (early voting) closes today, Friday 29 July, at 5pm. Pre-poll voting locations for each council area can be found on our website:

- Kempsey Shire Council
- Shellharbour City Council (Ward A only)
- Singleton Council

On election day polling places will be open between 8am and 6pm. Polling places for each council area can be found on our website:

- Kempsey Shire Council
- Shellharbour City Council (Ward A only)
- Singleton Council

The NSW Electoral Commissioner John Schmidt said voting is compulsory for all residents enrolled in these council areas. He reminds Shellharbour voters that this only includes enrolled residents in Ward A in the Shellharbour City Council area.

"I encourage anyone unsure about whether they are required to vote in these elections to [check where they are enrolled](https://elections.nsw.gov.au), or to use the 'Find My Electorate' function on the elections.nsw.gov.au website."

Print advertising

Public notices for the Shellharbour City Council Ward A election were run in the Sydney Morning Herald and Daily Telegraph.



City of Shellharbour Ward A election

Notice of contested election

Contested election for City of Shellharbour Ward A

A poll will be held on **Saturday, 30 July 2022** for the area of the City of Shellharbour – Ward A (election of two Councillors).

The poll will be conducted by attendance (i.e. in-person) voting and postal voting.

Attendance voting

Pre-poll voting will commence at **9am on Monday, 18 July 2022** and close at **5pm Friday 29, July 2022**.

Visit the [NSW Electoral Commission website](#) for details of pre-poll voting office locations.

Election day polling places will be open from 8am and close at **6pm on Saturday 30 July 2022**.

Visit the [NSW Electoral Commission website](#) for details of polling place locations.

Postal voting

Postal vote applications close at **5pm Monday, 25 July 2022**. You may apply for a [postal vote online](#) or by completing and returning a postal vote application form. Download the form [LG.300 Postal vote application \(PDF 0.2MB\)](#).

The NSW Electoral Commission will commence mailing out postal vote packs to registered postal voters from Monday, 4 July 2022. The postal vote pack will contain ballot paper(s), instructions, a postal vote certificate envelope and a reply paid envelope.

Postal votes and certificates must be completed by 6pm Saturday, 30 July 2022. Once completed, your postal vote pack must be received back by **6pm Friday, 12 August 2022**.

Post your vote as soon as possible to allow for Australia Post delivery periods.

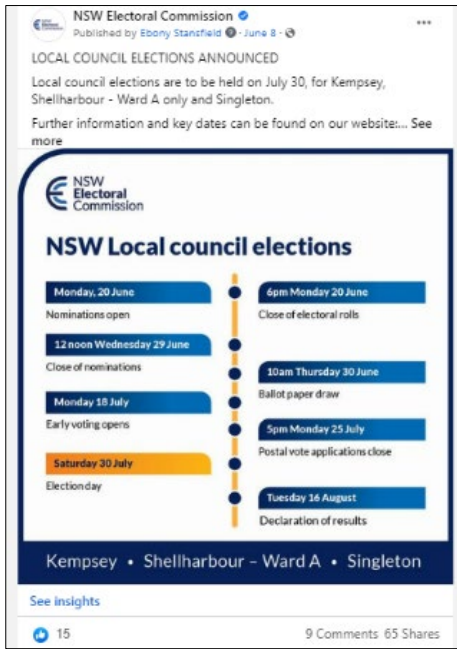
Who are the candidates?

For a full list of the candidates for the City of Shellharbour Ward A, please visit the [NSW Electoral Commission website](#).

John Schmidt, Electoral Commissioner for NSW

Social media

Facebook was utilised during the Shellharbour City Council Ward A election for information including key dates, information for candidates (such as nomination information) and postal vote information. It was also used to create awareness surrounding the translated material on how to vote.



Appendix D: Shellharbour City Council Ward A – elector brochure

Help in your language



المعلومات باللغة العربية امسح رمز ال QR code

QR code للمعلومات باللغة العربية امسح رمز ال QR code

浏览简体中文信息, 请扫描二维码。

掃描這二維碼來查閱繁體中文資訊。

Za informacije na hrvatskom jeziku skenirajte QR kod.

برای دریافت معلومات به زبان دری، کد QR را اسکن کنید.

Για πληροφορίες στα Ελληνικά, σαρώστε τον κωδικό QR.

हिंदी में जानकारी के लिए क्यूआर कोड को स्कैन करें।

Per informazioni in italiano, fai la scansione del codice QR.

សម្រាប់ព័ត៌មានជាភាសាខ្មែរ ស្កេនកូដ QR

한국어로 된 정보를 원하시면, QR코드를 스캔하세요.

ສຳລັບຂໍ້ມູນເປັນພາສາລາວ, ໃຫ້ສະແກນ ກະໂຫຼ້ນ QR.

За информации на македонски јазик, скенирајте го QR кодот.

Għali informazzjoni bil-Malti, skannja l-QR code.

برای کسب اطلاعات به زبان فارسی QR code را اسکن کنید.

Po informację w języku polskim zeskanuj kod QR.

Para informações em português, escaneie o Código QR.

Для получения информации на русском языке отсканируйте QR-код.

За информације на <српском>, скенирајте QR код.


Para obtener información en español, escanee el código QR.

Para sa impormasyon sa Filipino, i-scan ang QR code.

ສຳລັບຂໍ້ມູນໃນພາສາໄທ ໂປຣຕສະແກນຫຼືສຽງ QR Code

Türkçe bilgi için QR kodunu tarayın.

Muốn biết thông tin bằng <tiếng Việt>, hãy quét mã QR.



Your guide to voting in the Local council elections

• Kempsey Shire Council • Shellharbour City Council – Ward A • Singleton Council

Saturday, 30 July 2022

Voting is compulsory.

Bring this brochure with you when voting. It will make voting easier.

Local council elections

This brochure contains important information about the elections.

- Polling places will be open from 8am to 6pm on Saturday, 30 July 2022.
- Voting is compulsory.
- The penalty for not voting is \$55.

Why are these elections being held?

These elections are being held because the NSW Supreme Court decided that the December 2021 councillor (not mayoral) election results for Kempsey, Shellharbour - Ward A and Singleton were void due to a problem with iVote.

Do I need to vote?

You must vote in this election. You have received this brochure because you are enrolled in one of the following council areas:

- Kempsey Shire
- Shellharbour City Council - Ward A
- Singleton Council.

How do I vote?

For the Kempsey Shire Council, Shellharbour City Council - Ward A and Singleton Council elections, you can vote:

- in person on election day, or
- in person before election day (pre-poll), or
- by postal vote if eligible.

Where can I vote on election day?

Saturday, 30 July 2022 is election day. Polling places will be open from 8am to 6pm on the day.

If you vote in person on election day you must vote at a polling place within your council area. To find out where you can vote on election day, visit elections.nsw.gov.au

Saturday, 30 July 2022

Where can I vote before election day?

Voting before election day (called pre-poll) is available from Monday, 18 July 2022 for all electors in these council elections. You must vote at a pre-poll location within your council area. To find out where you can vote before election day and the opening hours of each location, visit elections.nsw.gov.au

COVID-19 safety measures

Voters are asked to maintain physical distancing and to use the hand sanitiser provided. Although not compulsory, you are encouraged to wear a mask. Masks will be available at polling places. Voters can use their own pen to vote or be given a single-use pen at the voting centre.

Postal vote

Eligible electors can apply to vote by post. Visit elections.nsw.gov.au to check your eligibility and apply online for postal voting or to download the application form. You can also apply by calling 1300 135 736.

- Postal vote applications close at 5pm on Monday, 25 July 2022.
- Postal ballot papers must be completed by 6pm on election day Saturday, 30 July 2022.
- Your completed postal vote must be received by the NSW Electoral Commission by 6pm on Friday, 12 August 2022.

Ballot paper

You will be given one ballot paper to complete for the election of councillors for your council. Read the voting instructions on the ballot paper carefully.

If you need help to understand the voting instructions on the ballot paper, please ask the election staff or you can ask a friend, family member or carer to help you.

Local council elections

Candidate information

To view the list of candidates and registered electoral material please visit elections.nsw.gov.au

Making political donations to a candidate or political party

If you donate \$1,000 or more to a candidate or political party, you must report it to the NSW Electoral Commission within four weeks after the end of the financial year in which you made the donation(s). For more information visit elections.nsw.gov.au/fd

Can I get assistance?

- For assistance in a language other than English, please call Translating and Interpreting Service National (TIS National) on 131 450 and ask them to call the NSW Electoral Commission on 1300 135 736.
- Information in languages other than English is also available at elections.nsw.gov.au/translations
- If you are deaf, hard of hearing and/or have a speech impairment, please contact us through the National Relay Service.
- If you or someone you know requires assistance with reading this brochure, please call 1300 135 736.
- Auslan interpreters will be available on Saturday, 23 July and Saturday, 30 July via Skype at: NSWelections Auslan
- All voting centres have handheld magnifying sheets, maxi pens and wheelchair accessible voting screens.

For more information

Visit elections.nsw.gov.au or call 1300 135 736.

