

7 July 2020



**Electoral  
Commission**  
QUEENSLAND

Mr Mike Jessop  
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Email: [mike@whigparty.com.au](mailto:mike@whigparty.com.au)

Dear Mr Jessop

Thank you for your letter dated June 19, 2020 regarding the conduct of the March 2020 local government elections. Mr Pat Vidgen, Electoral Commissioner, has asked me to respond on his behalf.

I have investigated the matters raised in your correspondence, and I provide the following information for you.

The use of pencil and paper/electronic voting

The Electoral Commission of Queensland (ECQ) is an independent statutory authority, responsible for the conduct of elections under both the *Local Government Electoral Act 2011* (LGEA) and the *Electoral Act 1992* (EA).

Both the LGEA and the EA set out ways in which electors must vote and it is a matter for Government to consider if electronic or online voting should be considered. I recommend that you seek consultation with your local Member of Parliament to discuss this matter further.

Elector turn-out

During the March 2020 local government election, around 77% of eligible electors cast their vote. This is a favourable comparison to the 2016 local government election during which around 83% of eligible electors cast their vote. The ECQ is currently considering the action it will take in relation to those electors who apparently failed to vote.

In your correspondence, you refer to a number of 'missing votes', and you then describe those same figures as 'votes not cast'. I wish to clarify that I have answered your enquiry about this matter in terms of votes not cast which describes the number of electors failing to vote. There are no missing votes from the March 2020 local government elections.

The ballot order draw

Section 57 of the LGEA directs the Returning Officer to undertake a process to determine the order of candidates' names on ballot papers, which is what occurred at the Sunshine Coast Regional Council Division 3 ballot draw.

The 'red Eski' you describe is in fact a secure and lockable mobile ballot box and the Returning Officer was instructed by the ECQ to use that vessel to undertake the ballot draw.

You appear to be alleging that the electoral officers undertaking the ballot draw at Birtinya were involved in somehow predetermining the outcome of the ballot draw. This would be an offence under section 176 of the LGEA, which makes it an offence for an electoral officer to wilfully neglect or fail to perform their functions.

If you have reliable evidence to support your suspicions, I invite you to provide that to the ECQ for further investigation. However, given that there is currently no substantive evidence to support your allegation, the ECQ does not intend to investigate the matter further at this time.

#### Online nomination and receipt of nomination deposits

There was an issue identified early during the nomination period where the online nomination form was unable to be completed by candidates. The cause of that issue was identified and rectified on the same day.

It is a legislated requirement that nomination forms are *printed and provided to the Returning Officer for the election* because nominators' signatures need to be captured. The signed nomination form could be emailed or delivered to the Returning Officer once completed; however, on-line nomination was not available. This requirement was also clearly outlined in the Candidate Handbook available on the ECQ's website.

Under the LGEA, nomination deposits must be paid by cash, electronic funds transfer or bank cheque. It is a matter for Government to consider if the requirements of the LGEA should be amended.

When accepting a nomination form, the Returning Officer is required to ensure that the form is complete and that all nominators are enrolled at the address they have provided on the form. Where the Returning Officer is not able to verify those details against the Commonwealth electoral roll, the person is not able to nominate you. The Returning Officer provided you with the correct information after examining the details provided on your nomination form.

#### The Directions issued by the Electoral Commissioner

The Electoral Commissioner made several Directions which applied to all candidates and all polling places, with the first Direction issued on March 25. Each Direction was made after significant consultation and advice from Queensland's Chief Health Officer and were made publicly available on the ECQ website.

I have reviewed the information you were sent by the Returning Officers and conclude that you were provided with the correct information.

Thank you for the information you provided regarding another candidate who may have been in breach of those Directions. If you have further evidence to support your allegation, please provide it. Without further evidence, the ECQ is unable to investigate the matter.

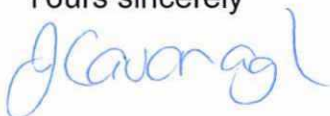
Contact with Returning Officers after the conclusion of the election

You note in your correspondence that you contacted the Returning Officers using their personal contact details. It is appropriate that they redirected your enquiries at that stage to the ECQ as the election had been finalised.

Should you require further information regarding any of these matters, please contact Mr Bill Huey, Team Leader (Election Event Management), ECQ on 1300 881 665 or at [Bill.Huey@ecq.qld.gov.au](mailto:Bill.Huey@ecq.qld.gov.au).

I trust this information is of assistance.

Yours sincerely



Julie Cavanagh  
Executive Director  
Election Event Management