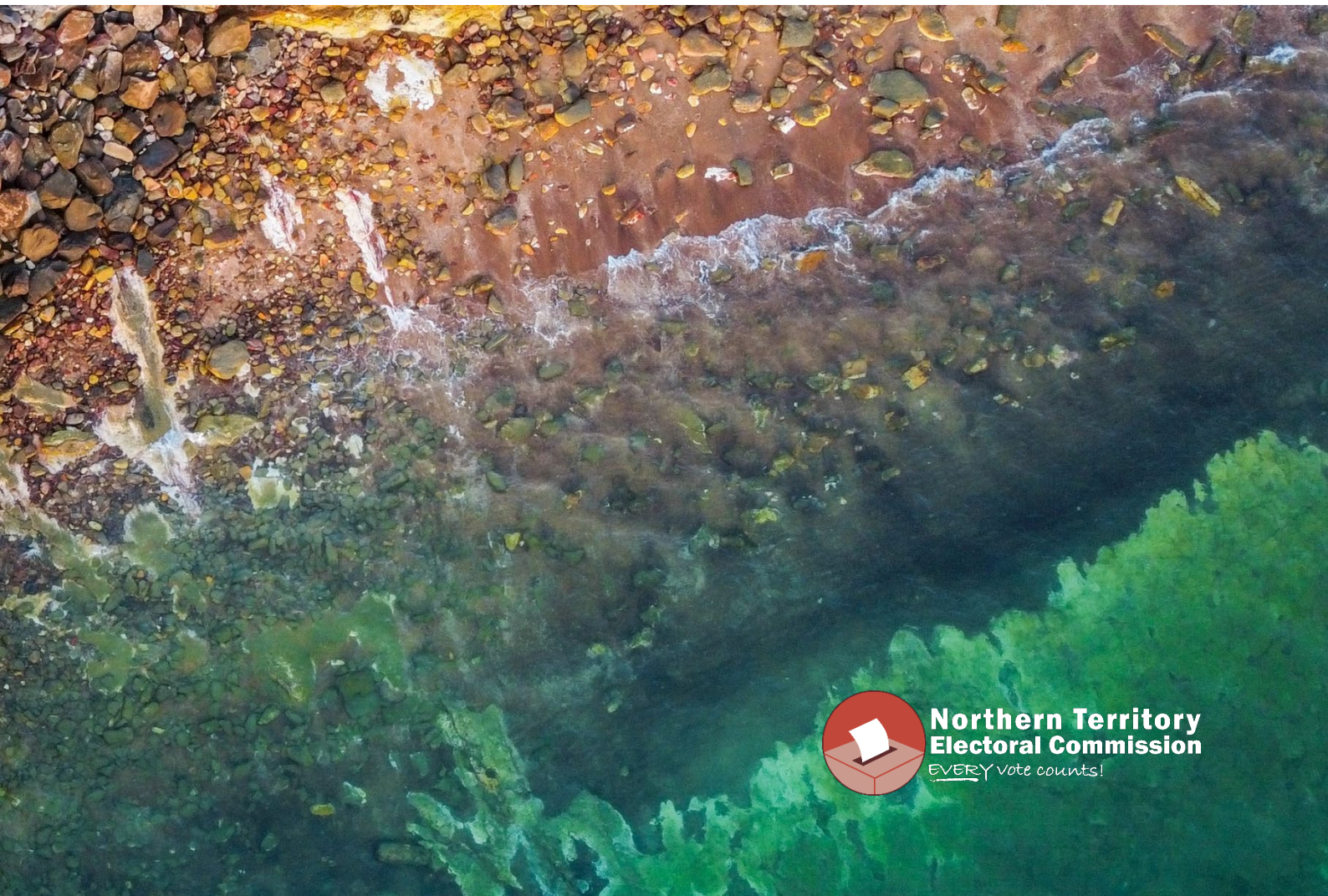




Wagait Shire Council

2022 By-election report



NTEC version control

2022 Wagait Shire Council by-election – report

Version Number	Purpose/change	Author	Date
1.0	DRAFT report	K. Parker	16.12.2022
1.1	FINAL report – updated non-voter information added and minor edits	K. Parker	10.02.2023

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2022 Wagait Shire by-election

17 September 2022

Date	Time	
Friday 19 August		Nominations open
Tuesday 23 August	5:00 pm	Electoral roll closes
Thursday 1 September	12:00 noon	Nominations close
	1:00 pm	Declaration of nominations, draw for position on ballot papers
Friday 2 September		Postal vote mail-out commences
Monday 5 September	8:00 am	Early voting commences Mobile voting commences
Tuesday 13 September	6:00 pm	Overseas postal voting despatches cease
Thursday 15 September	6:00 pm	All postal voting despatches cease
Friday 16 September	6:00 pm	Early voting ceases
Saturday 17 September		Election day
	8:00 am	Election day voting commences
	6:00 pm	Election day voting ceases Mobile voting ceases Primary counts of ordinary, postal and early votes commence
Monday 19 September	9:00 am	Declaration vote verification checks, commence recheck of all counts
Thursday 22 September	9:00 am	Primary counts of accepted declaration votes, further postal counts
Friday 30 September	12:00 noon	Deadline for receipt of postal votes Final counts of postal votes commence Distribution of preferences
Monday 3 October	10:00 am	Declaration of the election result

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For more information go to www.ntec.nt.gov.au

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BACKGROUND

Election

The by-election for the Wagait Shire Council was caused by the resignation of Councillor Noeletta McKenzie. The NT Electoral Commission (NTEC) was advised of the vacancy on 25 May 2022 and were requested to run the by-election on behalf of the council.

Election day for the by-election was held on Saturday 17 September with the final count conducted on Friday 30 September.

Legislation

Section 54(2)(c) of the *Local Government Act 2019* (the Act) requires a by-election to be held where a casual vacancy occurs 18 months or more before the next general election. The by-election must be held within four months from notification of the vacancy (s136(4) of the Act).

Section 136(7) of the Act allows a council to appoint their CEO or another person (other than the Electoral Commissioner) to be the returning officer for the by-election. The process to be followed including passing the resolution and notifying the Electoral Commissioner is set out in section 136 of the Act. If a person is not appointed, the by-election is to be conducted as decided by the Electoral Commissioner.

Recent legislative changes

The 2021 Local Government Elections were the first elections conducted under the new *Local Government Act 2019* and consequently updated *Local Government (Electoral) Regulations 2021*, both of which commenced 1 July 2021.

The relevant electoral legislative changes from the new Act and updated regulations were reported in the Wagait Shire Council report for the 2021 Local Government Elections.

New financial disclosure requirements for local government elections, although part of the new Act, did not come into effect until 1 July 2022. This means the requirements did not apply to the 2021 general elections, but did apply to this by-election. More details on financial disclosure can be found on page 9.

Service level agreement

The service level agreement (SLA) between the Wagait Shire Council and the NTEC was signed by both parties on 14 June 2022 and established the costing program for the preparation and conduct of the by-election.

The SLA stated that the NTEC will apply the requirements of the Act and regulations, and provided details of the voting services. The SLA also detailed any services provided or facilitated by the council that would offset the final costs.

For this by-election, Wagait Shire Council opted to provide or facilitate the following:

- a candidate information session
- early and election day voting premises free of charge
- a staff member to provide early voting services from 5 September until 16 September
- placement of banners and posters around the council area, in particular the council office and ferry terminal.

BOUNDARY CHANGES

There were no boundary or representative structure reviews to the Wagait Shire Council area conducted prior to the election.

ENROLMENT

At the close of the electoral roll on Tuesday 23 August at 5:00pm, there were a total of 315 electors enrolled in Wagait Shire Council area. This is a slight increase in enrolment (5.3%) from the previous local government general elections held in August 2021.

CANDIDATES

Candidate information sessions

The Wagait Shire Council facilitated an information session for potential candidates. This was held at the council office on Wednesday 17 August at 5:00pm. One potential candidate attended, as did a current councillor and council staff to provide information and answer questions about what being a councillor entails. The NTEC also attended to provide information about the nomination process, campaigning rules, financial disclosure, information about the count process and scrutineering.

Nominations

Nominations opened Friday 19 August and closed on Thursday 1 September at 12:00 noon. There was a total of three accepted nominations for the vacancy, with no rejected or withdrawn nominations.

The declaration of nominations and the draw for ballot position order took place at the NTEC office soon after the nominations closed. The ballot paper position for each candidate was selected by a random number generator and results were uploaded onto the NTEC's website and Facebook page once the draw was completed.

Summary of accepted nominations/candidates

Position	Candidates in ballot paper order
Councillor (One vacancy)	Kate CRANE
	Sarah SMITH
	Alan AMEZDROZ

Communication with candidates

In addition to the election newsletter, candidates were directly emailed by the NTEC with information about:

- Invitation to attend, and the results of, the declaration of nominations
- Authorisation of campaign material and display of material at voting centres and on the NTEC's website
- Information about the various counts and scrutineering opportunities
- Declaration of the election result
- Financial disclosure information

VOTING SERVICES

Postal voting

All electors have the option to postal vote and all registered general postal voters enrolled in the Wagait Shire Council area were automatically issued a postal vote and did not have to apply for one. Applications for postal votes officially opened with nominations on Friday 19 August, although any applications received before this date are not rejected, but held until they can be accepted.

No postal votes were sent to overseas addresses for the 2021 Local Government Elections, due to advice from Australia Post that the delivery and return of postal votes going overseas were not likely to meet the legislated timeframes due to the continued impact of COVID-19. However, postal votes were issued to overseas addresses for the by-election, as they were for other by-elections in 2022.

One postal vote was issued and sent to an overseas address, although it was not returned (before or after the cut-off date to receive postal votes).

Postal voting statistics

Description	Number
Number of postal vote applications received	36
Number of postal votes issued	23
Number of postal vote applications rejected	13
Number of postal votes returned	19
Number of postal votes admitted to the count	14
Number of postal votes rejected	5

The reasons for rejecting postal vote applications were:

- no election (enrolled in different council area, or different ward) (6)
- cancelled by elector (4)
- multiple applications received from same elector (2)
- application received too late (1)

The reasons for rejecting returned postal votes were:

- vote received too late (2)
- returned to sender (2)
- vote dated too late (1)

Early voting

Early voting ran for a 2 week period from Monday 5 September to Friday 16 September at 2 early voting centres; one at the Wagait Shire Council office during council office opening hours, and one at the NTEC office in Darwin during office opening hours. The early voting service at the council office was provided by a council staff member, who is also a very experienced casual electoral officer for the NTEC.

Early voting statistics

Early voting centre	No. of votes issued*
Darwin	8
Wagait Beach	101
TOTAL	109

* Note the number of votes issued does not always equate to the number of votes counted.

Election day voting

Election day was Saturday 17 September. For the by-election, there was one election day voting centre, deemed a remote mobile voting centre, open from 8:00am to 6:00pm.

Election day voting statistics

Voting centre	Location	No. of votes issued*
Wagait Beach	Wagait Shire Council – Community Room 142 Wagait Tower Rd, Wagait Beach	97

* Note the number of votes issued does not always equate to the number of votes counted.

Declaration voting

A person who cannot be found on the electoral roll but is entitled to vote, can be issued with a declaration vote after completing and signing a declaration envelope. Their ballot paper is placed in the envelope and a scrutiny of all declaration envelopes commences the day after election day.

Legislative amendments passed in May 2021 created a savings provision for local government elections that allows eligible electors who are unenrolled at the close of roll date, a chance for their vote to be admitted to the count. During the declaration vote scrutiny process, all declaration envelopes are forwarded to the Australian Electoral Commission (AEC) and eligible electors are added to the roll using the envelope as an enrolment form. Where the entitlement to vote is confirmed, the vote will be admitted to the count. Where voters are unable to be enrolled, or are found to be already enrolled in a different council area in the NT, their declaration vote is rejected.

There were no declaration votes issued for the by-election.

Turnout and participation

Turnout for the Wagait Shire Council by-election was 69.8% based on the number of votes counted, with 220 ballot papers counted from a total enrolment figure of 315. The turnout for the by-election was lower compared with the previous general elections for the council in 2021 (78.6%) and 2017 (75.9%).

The following table details the total number of votes by vote type for those ballot papers admitted to the count.

Number of votes counted by vote type

Vote type	2022 by-election		2021 general elections	
	No. of votes counted	% of total votes	Number of votes counted	% of total votes
Mobile voting team	198	90.0%	183	77.9%
Early voting centres	8	3.6%	23	9.8%
Postal voting	14	6.3%	13	5.5%
Declaration voting	0	0%	2	0.8%
Absent voting*	-	-	14	6.0%
TOTAL	220	99.9%	235	100%
Formal votes	218	99.1%	225	95.7%
Informal votes	2	0.9%	10	4.3

*Absent votes were issued via early voting centres, urban mobile voting teams and election day voting centres located outside the Wagait Shire Council area. There are no absent votes in by-elections.

Turnout and participation statistics

Turnout	Number or percentage
Enrolment at close of roll	315
Total votes counted	220
Turnout rate – by number of votes counted	69.8%

Turnout and participation statistics (Cont.)

Participation	Number or percentage
Postal vote applications rejected (voter eligible)	5
Postal votes not returned	4
Postal votes returned but rejected	5
Excuses lodged during election period*	6
Total additional participation	20
TOTAL	240
Participation rate	76.2%

*Prior to the commencement of non-voter actions

Informality

Of the 220 ballot papers counted, two (or 0.9%) were deemed to be informal and therefore not counted. Both of the informal ballot papers were assumed to be intentionally informal.

ELECTION OUTCOMES**Voting system**

The voting system for local government by-elections where there is just one vacancy to fill is the preferential system. This means:

- electors must number all the boxes on their ballot paper sequentially starting with the number one for their first choice for their vote to be formal.
- for a candidate to be elected they must receive more than 50% of the formal votes.
- first preference votes for each candidate on the formal ballot papers are counted. If no candidate receives more than 50% of the formal votes, a distribution of preferences is conducted until a candidate does.

Vote counting – election day

Vote counting began immediately after the close of voting at 6:00pm on election day. A count of first preference votes was undertaken at the Wagait Beach election day voting centre, for those ballot papers issued there, and phoned through to the NTEC Darwin office which was the main scrutiny centre for this by-election.

Post-election day counts

- An initial count of the early votes cast at the Darwin early voting centre and the postal votes received up to election day were counted at the scrutiny centre on the Monday morning following election day (19 September). This was immediately followed by a fresh scrutiny of both counts.
- A fresh scrutiny of the early and election day votes cast at the Wagait Shire Council office was conducted on the Monday morning after election day at the scrutiny centre.
- Following the deadline for the receipt of postal votes at 12 noon on Friday 30 September, an initial count of the second and final intake of postal votes was conducted at scrutiny centre. This was immediately followed by a fresh scrutiny of the count.

Results from all counts, on and after election day, were published on the NTEC website at the conclusion of the count.

Final result

After the count of the final intake of postal votes for the by-election was conducted after 12:00 noon on Friday 30 September, the total first preference count for each candidate was as follows:

Candidate	First preference votes
Kate CRANE	62
Sarah SMITH	124
Alan AMEZDROZ	32
TOTAL	220

The number of votes required to be elected as per the preferential voting system (more than 50% of the formal votes) was 111. One candidate received more than 50% of the first preference votes.

Sarah SMITH was therefore deemed the successful candidate and a distribution of preferences was not required.

Declaration of the election results

A letter to the CEO of the Wagait Shire Council certifying the result of the by-election, and a letter to the Minister for Local Government advising of the result, was sent 20 September 2022. This was prior to the final count conducted on the 30 September, as the number of outstanding postal votes was not enough to change the result of the election.

Non-voters

After an election, all enrolled electors not marked off as having voted are compiled into a list of non-voters. This list is then cleansed to remove people who did make an effort to participate in the election, for example; those who had postal vote applications rejected, electors who updated their enrolment to indicate they are overseas, electors who updated their enrolment to a different council area after the close of roll date and electors who provided a valid excuse for not voting during the election period, among others. The NTEC also removes electors aged over 70 and those in special category enrolment (like itinerant voters) who are likely to have a valid excuse for not voting but may be unable to communicate this easily.

The final list saw 71 initial infringement notices sent to non-voters on 20 October. 47 follow up letters for those non-voters who did not reply was sent on 24 November, with Thursday 22 December the final day for non-voters to respond.

Non-voter statistics

Non-voter action	Number	%
First notices mailed	71	
Second notices mailed	47	
Replied – penalty paid	13	8.3%
Replied – valid and sufficient reason provided	24	33.8%
Replied – reason not valid, penalty not paid	1	1.4%
Returned unclaimed and endorsed RTS	16	22.5%
No reply and no RTS mail	17	23.9%

PUBLIC AWARENESS

Campaign overview

The NTEC developed a communications plan for the Wagait Shire Council by-election which was shared with the council. The campaign covered various phases of the election including promoting awareness and enrolment, nominations, postal voting, early voting, election day voting and results.

The NTEC had a website, targeted social media campaign, direct messaging to electors, media engagement, statutory advertising, banners and posters, a stakeholder newsletter and other community activities.

The Wagait Shire Council also promoted the election through their own community newsletter, via their website, by putting up the NTEC's election banners and posters in the Wagait area and through word of mouth.

Website

The website for the by-election was launched in August and provided comprehensive information for candidates and electors. The site was designed to be the primary source of information for voters about enrolment and voting options, times and locations of voting centres, as well as results.

For candidates, the site also provided information about nominating, campaigning, voting and scrutineering processes.

Social media campaign

The NTEC posted a series of paid and non-paid Facebook and Instagram posts which included engaging videos and images.

Type	Reach*	Engagement#	Timing
Paid image post – nominations now open	2,000	181	17 August
Newsletter link	133	9	2 September

*Reach is defined as the measurement of how many people were exposed to the post

Engagement is defined as the measurement of how many people have taken any type of action on the post

Direct messaging to voters

Any elector who has provided either their mobile phone number or email address (or both) are able to be contacted directly by the NTEC to provide election information. Eligible electors in the Wagait Shire Council area received three direct messages during the election period.

The three rounds of messaging provided information about:

- **Enrolment** – electors who were, at the time, enrolled in the Wagait Shire Council area were advised of the by-election, the important dates and their requirement to vote. Electors were encouraged to update their enrolment if it was no longer current. This round of messaging often removes more electors from the council area as they update their address, than add to it.
- **Voting has started** – electors were provided the dates, location, and opening hours of the early voting centres, as well as a link to the list of candidates.
- **Last day to vote** – those electors who had not early voted or applied for a postal vote were sent further messaging remind them to vote, and information about election day voting centres.

Both the 'enrolment' and 'voting has started' emails also provided information and a link to apply for a postal vote, and reminded voters that voting, even in council by-elections, is compulsory.

Direct messaging statistics

Message	No. of emails sent	Date sent	No. of SMS sent	Date sent
Enrolment	175	16 August	206	16 August
Voting has started (early voting)	157	5 September	191	5 September
Last day/s to vote*	8	16 September	188	16 September
TOTALS	340		585	

*Sent only to electors who had not voted. Email only sent if no mobile phone number provided.

Statutory advertising

The NTEC is required to place statutory advertisements throughout an election cycle within the relevant newspaper for the election area. Statutory advertising for the Wagait Shire Council by-election was placed in the NT News.

Type	Timing
Statutory advertisement 1 – call for nominations	19 August
Statutory advertisement 2 – list of candidates and early voting centres	6 September
Statutory advertisement 3 – list of election day voting centres	17 September

Banners and posters

The NTEC provided four metre banners and developed an A3 sized poster to the council, whose staff put them up at the ferry terminal, the shop and around the council office area.

Newsletter

The NTEC sent one newsletter specific to the Wagait Shire Council which provided an overview of all relevant topics of the by-election. This newsletter was sent to NTEC’s email database of approximately 900 email addresses with the following reach:

Type	Opens %	Clicks %	Timing
Newsletter 1	42.9%	9.1%	2 September

Other public awareness activities

The NTEC hosted a stall at the Seniors’ Expo on Saturday 30 July which is coordinated by COTA and promoted awareness of the Wagait Shire Council by-election, as well as enrolment. The week before, the NTEC also had signage and handouts promoting the by-election at the Australian Electoral Commission’s stall at the Darwin Show.

FINANCIAL DISCLOSURE

Part 8.6 of the new *Local Government Act 2019* introduced new requirements for all candidates in local government elections, including by-elections, to submit to the NTEC campaign donation returns covering a prescribed disclosure period. Disclosure and publication of such returns aims to provide greater transparency of candidate funding during election campaigns.

Donation disclosure at the local government level in the Northern Territory requires candidates to submit information about any donations or loans (whether cash or non-cash) they receive for use in a local government election campaign. This information must be submitted to the NTEC within a legislated timeframe. The NTEC must then make this information available for public viewing by publishing the returns on its website, and having a hardcopy available in its office.

The campaign donation disclosure requirements for local government elections are much smaller and less complicated than those required for Legislative Assembly elections for example:

- only candidates are required to submit a campaign donation return
- only one campaign donation return is required (post-election)
- the return only needs to disclose donations/loans received over one disclosure period
- no return is required if donations/loans received do not meet the threshold.

These new financial disclosure requirements came into effect from 1 July 2022, and were therefore applied to the Wagait Shire Council by-election.

The key dates of financial disclosure obligations for the by-election were:

Election day	17 September 2022
Disclosure period	1 July – 17 October 2022
Return due date	26 November 2022

No campaign donation returns were received for the Wagait Shire Council by-election.

CORPORATE MANAGEMENT

Information and Communications Technology (ICT) support

Due to the small numbers of electors, and associated cost, no electronic mark-off of electors was used for the by-election.

The Department of Corporate and Digital Development (DCDD) still provided its standard support to the NTEC for this by-election, in the form of ICT incident monitoring, response and escalation, elevated support for the commission's election management system and website, particularly with the publishing of count results.

Premises

The NTEC Darwin office was used as the Darwin early voting centre and the scrutiny centre for the conduct of counts. The use of the NTEC's office is at no cost to the council.

As part of the SLA for the by-election, the Wagait Shire Council provided space at the council office for early voting services and the community room as an election day voting centre and scrutiny centre. The council office was also provided as a venue for the candidate information session and training of election staff.

Staffing

The day-to-day operations of the by-election were managed internally by the NTEC's permanent staff and was supplemented by casual staff identified from the commission's casual election staff database.

The main casual staff member employed to issue votes is also a council staff member, and is experienced in providing voting services in the Wagait Beach area.

Positions	No. of casual positions
Early voting centre staff	1
Election day voting centre staff	2
Urban mobile voting teams	0
Count staff	0
Other operations staff*	2

* e.g. postal voting, materials

All casual staff, with the exception of the additional operations staff, are provided a face-to-face training as well as manuals for their positions.

Election costs

The table below shows the final actual costs for the Wagait Shire Council by-election. These election costs do not include the processing of non-voters. These provided in a separate table over the page.

Expense category	NTEC Operations	Postal voting	Remote voting team	Total
Advertising	\$1,663			\$1,663
Materials	\$640			\$640
Postage		\$77		\$77
Staff wages	\$1,375		\$2,846	\$4,221
Vehicle hire	\$145			\$145
Sub-total	\$3,823	\$77	\$2,846	\$6,746
Corporate overhead 15%				\$1,012
Sub-total				\$7,758
GST 10%				\$776
			TOTAL	\$8,534

Non-voter costs

Expense	Number	Cost
Cost of first notice – printing, postage and envelopes	71	\$307
Cost of second notice – printing, postage and envelopes	47	\$270
Cost of returned mail	16	\$48
Event staff – casual	1	\$45
Bank fees for transactions paid through NAB		\$10
Corporate overhead (15%)		\$102
SUB TOTAL		\$782
GST		\$78
TOTAL		\$861
Revenue	13	-\$325
TOTAL INVOICED COST		\$536

