

2023 Katherine Town Council by-election



**Northern Territory
Electoral Commission**
EVERY vote counts

NTEC version control

2023 Katherine Town Council by-election – report

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2023 Katherine Town Council - by-election

15 July 2023

Date	Time	
Friday 16 June		Nominations open
Tuesday 20 June	5:00 pm	Electoral roll closes
Thursday 22 June	12:00 noon	Nominations close
	1:00 pm	Declaration of nominations, draw for position on ballot papers
Monday 26 June		Postal vote mail-out commences
Monday 3 July	8:00 am	Early voting commences
	9:00 am	Mobile voting commences
Tuesday 11 July	6:00 pm	Overseas postal voting despatches cease
Thursday 13 July	6:00 pm	All postal voting despatches cease
Friday 14 July	6:00 pm	Early voting ceases
Saturday 15 July		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 17 July	9:00 am	Declaration vote verification checks, commence recheck of all counts
Thursday 20 July	3:00 pm	Primary counts of accepted declaration votes, further postal counts
Friday 28 July	12:00 noon	Deadline for receipt of postal votes
		Final counts of postal votes commence
		Distribution of preferences
Monday 31 July	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

A by-election for the Katherine Town Council was caused by the resignation of 2 councillors (both due to moving interstate) on Monday 6 February 2023. The NT Electoral Commission (NTEC) was advised of the vacancies on the same day and requested to run the by-election on behalf of the council.

Election day for the by-election was Saturday 15 July with the successful candidate declared on Monday 31 July following a distribution of preferences.

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.

Section 136(4) of the Act states a by-election must be held within 4 months from notification of the vacancy. However, Katherine Town Council notified their vacancy in February 2023 at a time the NTEC was preparing for the Arafura by-election as well as by-elections for 5 other regional councils. In consultation with the council, the NTEC sought approval from the Minister of Local Government to extend the time for holding the by-election beyond the 4 month period (under section 160 of the Act) which was approved.

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 Katherine Town Council report for the 2021 Local Government Elections.

However, 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 they did not apply to the 2021 general elections, but did apply to the by-election. See financial disclosure paragraphs on page 9 for more details.

Service level agreement

A service level agreement (SLA) between the Katherine Town Council and the NTEC was signed by both parties on 10 May 2023 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, the Katherine Town Council opted to provide or facilitate the following:

- a candidate information session
- publishing the NTEC's statutory notices on its website
- promotion of the election via its social media outlets
- banner space on council signage locations at no cost (and installation of banners)
- installation of corflute signage
- supply, delivery and collection of furniture and materials for the Katherine early voting centre
- collection of cardboard materials from Darwin
- a council vehicle for use by NTEC staff while in Katherine if required
- council staff to work in voting centres
- council chambers as an election day voting centre at no cost
- participation in de-briefing at the conclusion of the election.

BOUNDARY CHANGES

There were no boundary or representative changes made to the Katherine Town Council area prior to the 2021 Local Government Elections, nor were there changes determined as part of the 2022 Local Government Representative Reviews.

ENROLMENT

At the close of the electoral roll on Tuesday 20 June at 5:00pm, there was a total of 6,530 electors enrolled in the Katherine Town Council area. This is a 3.3% increase in enrolment from the previous general elections held in August 2021.

CANDIDATES

Candidate information session

The Katherine Town Council facilitated an information session for potential candidates. This was held at Katherine Town Council Civic Centre on 7 June 2023 at 5.30 pm. 2 potential candidates attended, as did representatives from the Katherine Town Council to provide information and answer questions about what being a councillor entails. The NTEC also attended via MS Teams to provide information about the nomination process, campaigning rules, financial disclosure, the count process and scrutineering.

Nominations

Nominations opened Friday 16 June and closed on Thursday 22 June at 12:00 noon. There was a total of 5 accepted nominations for the 2 vacancies, with no rejected or withdrawn nominations.

A declaration of nominations, which includes the draw for ballot position order, took place soon after nominations closed at the NTEC office in Darwin and conducted over Microsoft Teams with candidates and council staff invited. A random number generator selected the ballot paper position for each candidate and results were uploaded onto the NTEC website and Facebook page as soon as the draw was completed.

Summary of accepted nominations/candidates

Position	Candidates in ballot paper order
Councillor (2 vacancies)	Clinton BOOTH
	Matt MORTON
	Wayne Andrew CONNOP
	Peter McDOUGALL
	Kerrie MOTT

Communication with candidates

Candidates were directly emailed by the NTEC with information about:

- an 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 website
- the various counts and scrutineering opportunities
- new scrutineer resources and scrutineer information session
- updates of results from various counts
- declaration of election result.

Scrutineer information and resources

In response to feedback from scrutineers following the 2021 Local Government Elections, the NTEC created scrutineer resources and now coordinate a scrutineer information session which both candidates and scrutineers are encouraged to attend.

For this by-election, a scrutineer information session was held on Friday 14 July at 7:00pm at the early voting centre located at the Katherine Central Shopping Centre which 2 scrutineers attended.

VOTING SERVICES

Postal voting

All electors have the option to postal vote and applications can be made once a council vacancy has been notified to the NTEC. Registered general postal voters in the council area were automatically sent a postal vote for the by-election.

Postal votes were despatched from Monday 26 June to Thursday 13 July and had to be returned by 12 noon Friday 28 July to be eligible to be admitted to the count.

Postal votes were arranged for eligible residents at the Katherine Hostel and Rocky Ridge Nursing Home and for eligible prisoners at the Territory's correctional centres.

Postal voting statistics

Description	Number
Number of postal vote applications received	388
Number of postal votes issued	346 (89.2% of application received)
Number of postal vote applications rejected	42 (10.8% of applications received)
Number of postal votes returned	273 (78.9% of postal votes issued)
Number of postal votes not returned	73 (21.1% of postal votes issued)
Number of postal votes admitted to the count	193 (70.7% of postal votes returned)
Number of postal votes rejected	80 (29.3% of postal votes returned)

The reasons for rejecting postal vote applications were:

- applied too late (13)
- cancelled by the elector (12)
- multiple applications received from same elector (7)
- elector enrolled outside the council area (6)
- not enrolled (4)

The reasons for rejecting returned postal votes were:

- returned to sender (28)
- postal vote not signed (27)
- vote dated too late (11)
- vote received too late (10)
- elector not correctly enrolled (3)
- Signature did not match (1)

Early voting

Early voting services for the Katherine Town Council by-election commenced Saturday 8 July, and was then open from Monday 10 July to Friday 14 July at the Katherine Central Shopping Centre.

Early voting was also available at the NTEC office for any Katherine residents in Darwin for a 2 week early voting period. The office issued 19 early votes in total.

Early voting statistics

Date	Total votes issued
Saturday 8 July	314
Monday 10 July	293
Tuesday 11 July	258
Wednesday 12 July	281
Thursday 13 July	231
Friday 14 July	431
TOTAL	1,808

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

Mobile voting

One mobile voting team provided voting services in the Katherine Town Council area to:

- the communities of Binjari and Rockhole
- patients, visitors and staff at Katherine Hospital

Details of the mobile voting schedule and the number of votes issued are in the table below.

Remote voting statistics

Community	Date	Time	Total votes issued
Binjari	13 July	9:00am – 12:00pm	43
Rockhole	13 July	1:30pm – 3:00pm	
Katherine Hospital	14 July	9:30am – 1:00pm	34
TOTAL			77

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

Election day voting

Election day was Saturday 15 July and there were 3 election day voting centres all open from 8:00 am to 6:00 pm. The early voting centre located at the Katherine Central Shopping Centre became an election day voting centre on the day.

Election day voting statistics

Election day voting centre	Location	Ordinary votes issued	Declaration votes issued	Total votes issued*
Katherine	Katherine Civic Centre Lot 1865 Stuart Hwy	197	12	209
Katherine Central	Katherine Central Shopping Centre 5 Katherine Terrace	480	17	497
Tindal	Tindal Community Hall Easton Parade	138	0	138
TOTAL				844

* 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 occurs in the week following 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 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 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.

The table below shows the declaration votes admitted to the count and those rejected for the by-election.

Declaration voting statistics

Accepted	Rejected	Total
63	3	66

The main reasons for rejecting declaration votes were:

- elector enrolled in a different local government area in the NT at the close of roll (2)
- insufficient information to enrol the person or update their enrolment (1)

Turnout and participation

Turnout for the Katherine Town Council by-election was 45.5% based on the number of votes counted, with 2,974 ballot papers counted from a total enrolment figure of 6,530. The turnout for the by-election was significantly lower compared with the previous general elections for the council in 2021 (57.0%) and 2017 (63.5%) based on the number of votes counted for councillor positions.

The table over the page 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	2023 by-election		2021 general election#	
	No. of votes counted	% of total votes	Number of votes counted	% of total votes
Election day voting centres	813	27.3%	833	23.1%
Early voting centres	1,828	61.5%	2,331	64.8%
Mobile voting	77	2.6%	40	1.1%
Postal voting	193	6.5%	213	5.9%
Declaration voting	63	2.1%	127	3.5%
Absent voting*	-	-	56	1.6%
TOTAL	2,974	100%	3,600	100%
Formal votes	2,742	92.2%	3,315	92.1%
Informal votes	232	7.8%	285	7.9%

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

#Figures used are votes cast for councillor positions

Turnout and participation statistics

Turnout	Number or percentage
Enrolment at close of roll	6,530
Total votes counted	2,974
Turnout rate – by number of votes counted	45.5%
Participation	Number or percentage
Postal vote applications rejected (voter eligible)	25
Postal votes not returned	73
Postal votes returned but rejected	80
Declaration votes rejected	3
Excuses lodged*	197
Total additional participation	378
TOTAL	3,352
Participation rate	51.3%

* received during the election period, it does not include excuses received through non-voter activities.

Informality

Of the 2,974 ballot papers counted, 232 (or 7.8%) were deemed to be informal and therefore not counted. Of the informal ballot papers, 221 (or 95.3%) were assumed to be intentionally informal, while 11 or 4.7% were assumed to be unintentionally informal.

ELECTION OUTCOMES

Voting system

The voting system for local government elections when there is multiple vacancies is proportional representation, which 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
- first preference votes for each candidate on formal ballot papers are counted, then a quota is calculated
- the quota is calculated using the following formula: (total number of formal votes / number of vacancies + one) + one.
- candidates with votes equal to or greater than the quota are elected; if all vacancies are filled from this process the election is complete
- if not, preferences are distributed to the other candidates until all vacancies are filled.

Vote counting – election day

Vote counting began at 6:00pm on Saturday 15 July at election day voting centres, a Katherine scrutiny centre and at the NTEC office in Darwin:

- Katherine, Katherine Central and Tindal election day voting centres counted the votes cast at their voting centres that day
- the Katherine scrutiny centre counted the votes cast at the Katherine early voting centre and votes cast with the mobile team
- the NTEC office counted votes cast at the Darwin early voting centre (located there) and the postal votes returned at the time.

Results from these counts were published on the NTEC website as they became available.

Post-election day counts

All ballot papers were transferred to the NTEC Darwin office on Sunday 16 July.

- On Monday 17 July, the process of entering all ballot papers into the Easy Count software application began. This software is used for multi vacancy elections where the proportional representation system is applied. During the first week of counting, all ballot papers were entered in twice (by different operators) for verification.
- Declaration votes were also forwarded to the AEC for processing on Monday 17 July.
- Once the declaration votes were processed by the AEC, a scrutiny of declaration envelopes was conducted on Wednesday 19 July.
- Following the deadline for the receipt of postal votes at 12 noon on Friday 28 July, an initial count of the first preferences of the remaining accepted postal votes, and admitted declaration votes was conducted. These ballot papers were then entered into Easy Count twice.
- The distribution of preferences was then calculated by Easy Count to determine which 2 candidates reached the quota.

Candidates were provided with information about all of the counts and scrutineers were encouraged to attend.

Results

The final number of first preference votes received by each candidate were recorded as follows:

Candidate	First preference votes
Clinton BOOTH	265
Matt MORTON	354
Wayne Andrew CONNOP	624
Peter McDOUGALL	748
Kerrie MOTT	751
TOTAL	2,794

The quota under the proportional representation voting system was 915 for this by-election. Following a distribution of preferences and in accordance with Schedule 1 of the Local Government (Electoral) Regulations 2021, there results were as follows:

- **Kerrie MOTT** achieved the quota at count number 3
- **Peter McDOUGALL** achieved the quota at count number 3

Therefore **Kerrie MOTT** and **Peter McDOUGALL** were duly elected.

A copy of the results is available on the [NTEC website](#).

Declaration of the election results

On Monday 31 July 2023 the results of the Katherine Town Council by-election were officially declared at the NTEC Darwin office which included a Microsoft Teams link with the council.

A letter to the CEO of the Katherine Town Council certifying the result of the by-election, and a letter to the Minister for Local Government advising of the result, were both sent on Monday 31 July 2023.

Non-voters

After an election, all enrolled electors not marked off as having voters are compiled into a list of non-voters. For the Katherine Town Council by-election this list contained 3,621 electors.

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, 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) are who likely to have a valid excuse for not voting but may be unable to communicate this easily.

The final list of apparent non-voters resulted in 844 electors sent infringement notices.

PUBLIC AWARENESS

Website

A web page for the by-election was launched on 16 June 2023. The web page provided information on nominating, a list of candidates, voting services and results.

Print

The following statutory advertisements were placed in the NT News:

- 24 March 2023 – Call for nominations
- 8 April 2023 – Election dates
- 13 May 2023 – Election results

Additionally, the Tennant Creek Times provided editorials and updates during the election.

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 Katherine Town Council area received direct messages providing information about voting dates and times for the community they are enrolled in.

- SMS messages were sent to 3,516 electors
- Emails were sent to 2,489 electors

Social media

During the voting period, the NTEC posted on Facebook providing voting information for communities being visited that day. The council also posted this information on their Facebook page.

Radio

Radio live reads were conducted over the voting period on radio channel 8KTR.

DONATIONS DISCLOSURE

Part 8.6 of the *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 requires candidates to submit information about any donations or loans (whether cash or non-cash) they receive for use in an election campaign. This information must be submitted to the NTEC within a legislated timeframe. The NTEC must then make this information available to the public by publishing the returns on its website, and having a hardcopy available at its office.

These new financial disclosure requirements came into effect from 1 July 2022 and were therefore applicable to the Lyons Ward by-election. All candidates were contacted directly by the NTEC and provided an overview of their disclosure obligations.

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

Election day	15 July 2023
Disclosure period	1 July 2023 to 14 August 2023
Return due date	23 September 2023

There were no campaign donation returns received for the Katherine Town Council by-election.

CORPORATE MANAGEMENT

Information and Communications Technology (ICT) support

For any general election and for some by-elections at the local government level, an external contractor (F1 Solutions) is procured to provide specialist IT support for the electronic mark-off system (eLAPPS) used to mark off electors when they are issued a ballot paper. For the by-election, eLAPPS was used on 19 devices used to mark-off of electors, across 6 voting teams (as well as a number of spare devices). The eLAPPS system was also used for central monitoring of vote issuing during the voting period by NTEC staff.

ICT assistance is provided by the Department of Corporate and Digital Development (DCDD) to the NTEC for municipal council by-elections. For the Katherine Town Council by-election, DCDD provided ICT incident monitoring, response and escalation, as well as provision and management of IT event services including elevated support for the NTEC's election management system, eLAPPS services and the website, particularly with the timely publishing of count results.

Premises

As part of the SLA for the by-election, the Katherine Town Council provided its Civic Centre at no cost as an election day voting centre.

The NTEC office in Darwin was used an early voting centre, for all postal voting coordination and as a scrutiny centre. The use of the NTEC Darwin office is at no cost to the council.

The early voting centre and election day voting centre located at Katherine Central Shopping Centre and election ay voting centre at Tindal RAAF Base were leased through a general hire agreement.

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 and council staff as per the SLA.

The table below shows the number of staff employed across a variety of positions. In some instances, some casual staff were employed in more than one position.

Positions	No. of NTEC staff	No. of casual staff	No. of council staff
Early voting centre (1 - Katherine) staff	0	2	2
Election day voting centre (3) staff	1	3	4
Urban mobile voting team (1) staff	2	0	0
Count centre (2 – Katherine and Darwin) staff	3	1	0
Post-election count (Easy Count) staff	1	2	0
Other operations staff*	1	2	0

* E.g. postal voting, materials

Election costs

The table below shows the final actual costs for the Katherine Town Council by-election.

Expense category	Early voting centre	Election day voting centres	NTEC Operations	Postal voting	NTEC Public awareness	Total
Advertising					\$7,300	\$7,300
General expenses			\$78			\$78
Information technology			\$5,727			\$5,727
Materials			\$1,445			\$1,445
Postage				\$849		\$849
Premises	\$4,699					\$4,699
Staff costs (includes travel, accommodation etc.)			\$5,478			\$5,478
Staff wages	\$5,378	\$3,283	\$12,719			\$21,380
Vehicle hire			\$1,464			\$1,464
Sub-total	\$10,077	\$3,283	\$26,911	\$849	\$7,300	\$48,420
Corporate overhead (15%)						\$7,263
Sub-total						\$55,683
GST 10%						\$5,568
TOTAL						\$61,251

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