

13 March 2007

VOTING METHOD FOR THE 2008 COUNCIL ELECTIONS

Division Corporate Services

Presenter Keith Williamson, Manager Governance Services

Purpose

1. To consider whether the 2008 City of Melbourne elections are conducted via postal voting or attendance voting.

Recommendation from Management

2. That the Finance and Governance Committee recommend Council, pursuant to section 41A of the *Local Government Act 1989*, endorse the 2008 City of Melbourne elections being conducted via postal voting.

Key Issues

3. Following changes made to the *Local Government Act 1989* in 2003, all council elections have been aligned to a common date and cycle. On Saturday, 29 November 2008, all 79 councils in the state of Victoria will hold elections.
4. Deciding on the method of voting now will allow the administration to begin assessing the market for elections service providers. It also gives Council sufficient time to apply for any Ministerial exemption from the tendering process and negotiate the contract for the conduct of the elections prior to the election year and the other 78 councils.
5. 1 July 2007 marks the anticipated return of the Docklands area to the governance of the City of Melbourne. Communicating the elections process to new voters as soon as possible will minimise confusion and assist in maximising voter participation.

Finance

6. The election costs in 2004 were \$1.1 million (operating costs only).

Legal

7. In accordance with section 41A(1) of the *Local Government Act 1989*, a council may decide that all voting at an election is to be by means of postal voting.

Sustainability

- 8. There is no significant sustainability impact.

Background

- 9. The *Local Government Act* 1989 (“the Act”) contemplates Council elections being conducted by attendance voting, unless the Council decides that the election is to be by full postal voting (s41A). In recent elections the Council has either opted for full postal voting or been required by legislation to conduct a ‘postal vote’ election.
- 10. Under the postal voting system, all voters are posted their ballot papers along with statements, photographs and recommended preferences submitted by candidates. Voters then complete their ballot papers and return them by post to the Returning Officer over a two-week period in November of the election year.
- 11. In the attendance system, voting is primarily undertaken at polling booths on the last Saturday in November of the election year (“Election Day”). Voters may choose to vote by post under this system, but they must submit an application before receiving their postal voting material. In this scenario, candidates’ information is not included with postal voting material. In addition the Returning Officer may provide pre-poll voting at a specified location on a day, or days, before the Election Day.
- 12. There are a number of considerations regarding the use of either postal or attendance voting. Both methods have advantages and disadvantages. These are outlined in Attachment 1.

Comparative Results for Voter Participation

- 13. The following table shows the overall experience in Victoria is that full postal voting results in a higher participation rate than attendance voting. The table further highlights that the rate of informal votes is higher during attendance voting.

	2004- 2005	2005 - 2006
How many council elections the VEC conducted	25	54
Number of councils using postal voting	22	48
Number of councils using attendance voting	3	6
Overall participation in postal voting	75.07%	75.66%
Overall participation in attendance voting	55.65%	72.80%
Overall informal rates for postal voting	3.37%	3.64%
Overall informal rates for attendance voting	10.43%	9.33%

Statistics from the Victorian Electoral Commission

Melbourne's Electoral System

14. The *City of Melbourne Act 2001* establishes an electoral structure for the City of Melbourne elections that is different from the other 78 Victorian councils. The Lord Mayor and Deputy Lord Mayor are elected as a team in the election titled the Leadership Team Election. Candidates are required to nominate in pairs, one to be the Lord Mayor, the other to be the Deputy Lord Mayor. Voting in the Leadership Team election is by the full preferential system.
15. In the Councillor Election, seven councillors are elected for the City as a whole using the proportional representation system.
16. Electors are entitled to one vote in the Councillor Election and one vote in the Leadership Team Election.
17. In the 2004 elections, 42 candidates nominated in 21 Leadership Teams. The councillor elections attracted 65 candidates, comprising 21 groups and two un-grouped persons.
18. The full postal voting method is convenient for many (if not all) voters, and is also convenient for aspiring candidates. For the cost of the deposit (\$250), a photograph and 250 words of text, a candidate can ensure their platform and how-to-vote preference is posted free of charge to every voter. By contrast, attendance voting transfers the cost of distributing that electoral material on to a candidate.
19. The 65 candidates in 2004 councillor elections resulted in a 22-column ballot paper, a book of Group Voting Tickets, comprising 90 pages, plus numerous instances of candidates' electoral advertising coming before each voter.

The Choices

20. Although the participation rate in the 2004 City of Melbourne elections (66.7%) was lower than the average recorded by the VEC (75.07%) for the 2004/05 period, it could be that the reason for Melbourne City's low participation rate lay not so much in attendance versus full postal voting, but in the complexity of the voting documents. Bear in mind however, that complexity is, at least in part, a result of a large field of candidates, which is probably a result of full postal voting offering a low-cost campaign for aspiring candidates.

Does this conclusion warrant changing to attendance voting?

21. In the 2004 elections 61.8 per cent of voters were non-resident, comprising:
 - 21.1. absentee owners 35.0 per cent;
 - 21.2. corporate representatives 21.4 per cent; and
 - 21.3. non-resident occupiers 5.4 percent.
22. Category 21.1 live outside the municipality and the full postal vote is undoubtedly more convenient for them. They account for over a quarter of Melbourne City's voters. Corporate representatives may have a city or local office or be located outside Melbourne City. We do not know the proportions. Most non-resident occupiers (5.4%) by definition work in the central business district.
23. Voters who do not live in the municipality clearly benefit from the ease of voting under the postal system. Under the attendance system, these voters would have three choices, complete and return a postal vote application, pre-poll vote or come into the municipality on Election Day to vote.

24. Voters with mobility problems, including people who are aged, infirm or disabled can face difficulties attending a polling place and therefore benefit from a postal system.
 25. If a change were made to attendance voting, the absentee voting process would come into play, involving:
 - 25.1. the Council sending a postal vote application form to each voter when he/she is sent a letter stating when the election is to be held, the location of polling places etc;
 - 25.2. voters completing and returning the application form;
 - 25.3. the ballot papers being posted to the voter; and
 - 25.4. voters filling in the ballot paper and the declaration and posting them back.
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Attachment:

1. Advantages and disadvantages of postal and attendance voting

POSTAL VOTING

Advantages

- greater convenience for voters, particularly for those with limited mobility, the aged or those in remote areas;
- increased participation rates and higher non-resident participation;
- lower number of informal votes;
- more consistent levels of information for all candidates, avoiding a disadvantage for candidates not as well resourced;
- all election material is delivered in one package;
- voters can fill in the ballot papers at their leisure which can lead to a more informed vote;
- all ballots are counted in the one place which avoids candidates from having to appoint scrutineers at several polling booths;
- no cost to candidates for the profile/policy statement distributed with the postal ballot material; and
- no confusion about the location of polling places.

Disadvantages

- possible perceptions about lack of security of votes;
- reduced face to face contact between candidates and voters at the polling booths;
- voters may feel that they have not exercised their democratic right;
- possible voter uncertainty compared to the voting method used for State and Federal elections; and
- potential that votes may be completed by another member of the household other than the voter.

ATTENDANCE VOTING

Advantages

- vote is confirmed when cast and voters are able to see their name being marked off the roll;
- allows candidates to meet voters at the polling booth;
- pre-poll and postal voting options are available for those who cannot attend;
- mobile booths can be used to improve access to those with limited mobility/remote areas;
- consistent with the Federal and State methods of voting, therefore familiarity;
- attendance voting can be seen as an opportunity for voters to exercise their democratic rights;
- council could request the tenderer to personally inform all voters of the forthcoming election to improve voter participation (ie voter cards);

Disadvantages

- lower participation rates;
- informing all voters personally of the election (via voters' card) adds substantial costs and may only marginally improve voter participation;
- higher informal vote rates;
- inconvenience for those with limited mobility and remote communities to have to travel to a polling booth;
- potentially higher costs through hiring of polling staff, use of mobile polling booths, hiring of polling booths;
- wastage of how to vote cards and election material is greater with subsequent environmental cost;
- less consistent information for voters regarding all candidates – those candidates with less resources are disadvantaged;
- less time for the voters to consider their choice and therefore there is a potential for voters to make a less informed vote;
- confusion regarding the location of polling places;
- location of Returning Officers' office is crucial as it must provide parking and wheelchair access for pre-postal voters;
- potentially more than one pre-poll voting location is required. Parking and wheelchair access is a requirement for all facilities.

FINANCE ATTACHMENT

VOTING METHOD FOR THE 2008 COUNCIL ELECTIONS

Funding for the 2008 Council Elections will be provided in the 2008/09 budget. The election costs in 2004 were \$1.1 million (operating costs only).

Kerrie Jordan
Acting Manager Financial Services

LEGAL ATTACHMENT

VOTING METHOD FOR THE 2008 COUNCIL ELECTIONS

In accordance with section 41A(1) of the *Local Government Act 1989* (“the Act”), a Council may decide that all voting at an election is to be by means of postal voting. While such decision is at the discretion of Council, if made, it imposes mandatory requirements on the returning officer under section 41A(2) including, inter alia, that the public notice is to state that all voting at the election is to be by postal voting. Further, section 41A sets out procedural requirements for conducting an election by means of postal voting such as the time that voting closes. Legal advice will be provided as required in relation to conducting the 2008 City of Melbourne elections.

Kim Wood
Manager Legal Services