

File number: CER/000025; 915



**Electoral
Commission**
QUEENSLAND

13 November 2020

Senator the Hon. James McGrath
Senator for Queensland
Chair of Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
CANBERRA ACT 2600
Email: em@aph.gov.au



Dear Senator

Thank you for your letter of 9 October 2020 inviting the Electoral Commission of Queensland (ECQ) to provide a submission to the Joint Standing Committee on Electoral Matters (the Committee) *Inquiry on the future conduct of elections operating during times of emergency situations*.

Please find enclosed the ECQ's submission to the Committee's inquiry, detailing the ECQ's recent experiences delivering two major elections during the coronavirus (COVID-19) global pandemic. The ECQ delivered the local government elections across Queensland's 77 councils on 28 March 2020 and most recently delivered the State general election on 31 October 2020.

I thank the Committee for the opportunity to provide a submission on this important subject and hope the information provided supports its deliberations.

Yours sincerely


Pat Widgeon PSM
Electoral Commissioner


Enc – ECQ submission on the Inquiry on the future conduct of elections operating during times of emergency situations

Submission to Joint Standing Committee on Electoral Matters

Inquiry on the future conduct of elections operating during times of emergency situations



Introduction

The Electoral Commission of Queensland (ECQ) welcomes the opportunity to provide the Joint Standing Committee on Electoral Matters (the Committee) a submission on the *Inquiry on the future conduct of elections operating during times of emergency situations*. The ECQ is uniquely placed to provide a submission on this subject, having delivered two major election events for Queensland's 3.3 million voters since the emergence of the coronavirus (COVID-19) pandemic.

The delivery of elections is a massive logistical exercise requiring years of planning. Extreme demands are placed not only on the permanent staff of election management bodies, but also the thousands of temporary election staff that are briefly engaged once every four years, as well as critical delivery partners such as printers, postal services and logistical providers.

Conventional wisdom, prior to the COVID-19 pandemic, was that election service delivery is largely fixed, and cannot be altered at short notice after voting has commenced. The following submission details how this typical election delivery framework was challenged in 2020 and discusses the ECQ's experience adapting to deliver two major elections while in the midst of the COVID-19 global pandemic. While the ultimate outcome was consistent with previous election events, with the delivery of election services including voting and the declaration of results, there were significant changes to the systems and processes supporting the achievement of these outcomes.

The ECQ applied three key guiding principles when delivering elections during this pandemic.

- Elections are an essential service and are necessary to guarantee the continuity of government and public administration.
- Service delivery must be flexible and adapt to rapidly changing situations, with services able to be expanded or reduced, to enfranchise all enrolled electors and maximise turnout.
- There is a duty of care to protect the health and safety of voters, the general community, election staff and, to an extent, campaign volunteers, particularly considering voting in State and local government elections is compulsory in Queensland.

The submission outlines the actions implemented by the ECQ to deliver the local government elections in March 2020 and the State general election in October 2020, and how it utilised special legislation passed by the Queensland Government, to deliver two COVID-safe elections. Central to the successful delivery of these elections was:

- increased resourcing to provide expanded voting options and make contingency plans should the health situation change quickly
- ongoing consultation with the lead agency handling the emergency situation, in this case Queensland Health and the Queensland Chief Health Officer
- amendments to electoral legislation to allow greater flexibility in service delivery and increased powers to implement and enforce COVID-safe measures
- increased stakeholder engagement with election participants
- strong intragovernmental relationships and government support for the planned election delivery model, and
- closer relationships with key election partners to plan for and deliver the election.

Queensland's 2020 elections

The context in which the two major 2020 Queensland elections were conducted was very different. When the ECQ published the Notice of Election marking the commencement of the local government elections on 22 February 2020, the degree of the threat posed by COVID-19 was unknown. It was not until 11 March 2020, less than one week before the early voting period commenced, that COVID-19 was declared a pandemic by the World Health Organization. In a matter of days, social distancing measures and limits on the size of public gatherings were being introduced, precipitating a need for the ECQ to rapidly adapt its service delivery model and implement public health measures recommended by Queensland's Chief Health Officer.

In contrast, the ECQ had six months between the March local government elections and the October State general election, to learn from the successes and challenges encountered and plan a COVID-safe election. Due to the ongoing risk posed by COVID-19, and with community transmission occurring across Victoria and New South Wales, contingency plans were also in place in the event of a COVID-19 outbreak in Queensland, to enable the ECQ to pivot and deliver a full postal election in any identified hotspot electorates. This flexibility in service delivery was supported by additional resourcing and special powers enacted through the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* on 18 June 2020.

March local government elections

The delivery of local government elections in Queensland is among the most complex of the ECQ's responsibilities. The ECQ planned over a period of two years to deliver the 2020 local government elections, which consisted of 578 electoral contests and 1,574 candidates. Queensland's decentralised population and geographical diversity pose additional challenges, with local government areas ranging from small and often extremely remote Indigenous communities of fewer than 300 enrolled citizens, to large metropolitan divided councils that include hundreds of thousands of electors.

With the rapid escalation of COVID-19, a high degree of uncertainty and risk was introduced to the delivery of the election. As a result, the ECQ had to significantly redesign its service delivery model, much of which occurred during the service delivery period itself. A timeline outlining the emergence of COVID-19 in comparison with election timeframes is at Attachment 1.

Response to COVID-19

The ECQ consulted closely with Queensland's Chief Health Officer who publicly advised that the risk of COVID-19 transmission at a polling place was very low. To provide a safe environment for electors, ECQ staff and other political participants at polling places, the ECQ implemented a range of measures at very short notice to protect public health and safety including:

- extending operating hours over the two-week early voting period, including opening until 9pm on both Wednesdays and Thursdays and on the Saturday before election day (21 March 2020)
- establishing a central hub of Returning Officers in Cairns, as teams conducting remote area polling in 14 Indigenous local government areas were unable to remain in these communities due to heightened concerns about the impact of COVID-19

- implementing COVID-19 related personal hygiene measures including providing additional supplies of hand sanitiser to all polling places and encouraging voters to bring their own pens or pencils
- employing approximately 4,000 additional staff to assist with security, queue control and helping to maintain social distancing at polling places
- expanding capacity of the telephone voting service by more than 390 per cent and increasing postal voting capacity to cater to an unprecedented demand for these services
- adjusting the layout of polling places, including floor markings to ensure social distancing measures, limiting the number of people inside a venue and closing every second voting screen
- ensuring health assessments were undertaken for election staff entering remote Indigenous communities, and
- issuing Directions to prohibit the distribution of how-to-vote cards at or near polling booths and limit attendance of scrutineers during counting due to social distancing requirements.

Rapidly changing voter services

The emergence of COVID-19 and resulting change in the service delivery model saw a significant shift in the voting patterns compared with the 2016 local government elections:

- 1.2 million people voted early (500,000 in 2016)
- 470,000 postal votes were returned of the 570,000 issued (320,000 returned in 2016)
- 37,000 people cast a telephone vote (500 in 2016), and
- 750,000 people voted at an election day polling booth (1.6 million in 2016).

Forming a critical component of its response to the pandemic, the ECQ sought to stagger and reduce attendance at polling places. To that end, early voting hours were significantly expanded across the two-week period, and electors were actively encouraged to vote early. On 13 March 2020, the first restrictions on mass gatherings were introduced by the Australian Government. This resulted in a significant increase in demand for postal votes in the final days before the cut-off date for applications, a date set under the *Local Government Electoral Act 2011* which at that point could not be modified by the ECQ. Due to the increased demand, the ECQ implemented measures to secure adequate supplies of specially printed ballot material to satisfy the increased demand and ensure all voters who submitted a valid application would be sent a postal vote. Additionally, due to rapidly escalating numbers of applications being lodged, the ECQ implemented an additional application method, accepting email requests as an extra approved form of application on a 'one-off' basis for this election only.

The capacity of the telephone voting service had to be significantly increased to provide a service for vulnerable Queenslanders, with expanded eligibility to include those voters at a higher risk, as well as those advised by a medical practitioner to isolate or quarantine themselves during the election period. This was one of the service delivery areas most heavily impacted by the COVID-19 pandemic, with the model designed to receive a maximum of 1,000 votes receiving registrations from over 45,000 electors and taking close to 37,000 votes.

A range of hygiene, sanitation and social distancing measures were also implemented in accordance with the Chief Health Officer's *Local Government Election and State By-elections Direction* issued on 22 March 2020. This Direction outlined the requirements that

ECQ staff, political parties, candidates and their representatives and members of the public needed to adhere to during the elections.

The priority for the ECQ during these elections was the effective and uniform roll out of these measures across Queensland to assure the safety of electors. Significant resources, both financial and human, were redirected from different parts of the ECQ, or externally sourced, to the COVID-19 response. This heightened and dynamic service delivery environment during the 2020 elections affected all parts of the ECQ and its large temporary workforce. During this period, the ECQ (in compliance with directions from the Queensland Government) was also uplifting its information technology capacity and capabilities to allow for a large proportion of its permanent workforce to move to a work-from-home arrangement in response to COVID-19.

However, despite the challenging circumstances in which the 2020 elections were delivered, the turnout for the local government elections was approximately 77 percent¹. By comparison, the turnout for the 2016 local government election was 83 percent.

The ECQ has released a report on the conduct of the local government elections which details the circumstances of the March elections, including services and electoral outcomes delivered. The [report](#) is publicly available on the ECQ website.

October State general election

In October 2020, the ECQ conducted the State general election to elect the 93 members of the 57th Parliament of Queensland and subsequently form the next State Government. At the time of writing this submission, the ECQ is in the final stages of declaring all districts.

Following the commencement of fixed parliamentary terms, the dates for the dissolution of parliament and election day are set in the *Constitution of Queensland 2001*, with limited options to delay the timeframes. Due to the ongoing risk posed by COVID-19, and building on the successful delivery of the March local government elections, the ECQ again significantly altered its service delivery model for the State general election. However, in this instance, the ECQ had advance notice to prepare its election delivery model and to develop contingency plans in the event of a COVID-19 outbreak during the election period.

On 15 July 2020, the ECQ released a [Statement of Intent](#) outlining the measures necessary to ensure all Queenslanders were enfranchised for the election, while also protecting public health and safety. The *Statement of Intent* established the following guiding principles:

- implementing public health measures to protect the health and safety of Queensland voters based on the advice of Queensland's Chief Health Officer
- expanding voting services to ensure electors have a range of voting options
- planning for a substantial increase in early voting and postal voting
- implementing contingencies for an expanded or predominantly postal vote if required to maintain public health and safety, based on the advice from Queensland's Chief Health Officer, and

¹ Based on close of roll enrolment as at 28 February 2020 and the total number of ballots cast.

- facilitating political participation through arrangements for distribution of how-to-vote cards and scrutineering of vote counting, while maintaining appropriate health protections for ECQ staff, voters, candidates and campaign volunteers.

On 23 September 2020, the ECQ released its election service plan which reiterated and further clarified the planned delivery for a COVID-safe election, including a detailed discussion about the operationalisation of its new legislative powers and available voting services.

Planning for a COVID-19 election

For the 2020 State general election, the ECQ had time to prepare and plan for an election amid the COVID-19 pandemic. The ECQ undertook additional business continuity and contingency planning to maintain flexibility in its election delivery model in a COVID-19 environment. This included developing additional contingency plans, procuring additional materials and working closely with key suppliers on agreed service delivery approaches.

As part of the continuity planning for the State government election, the ECQ established a COVID-19 State general election reference group comprising members of ECQ's senior management team and representatives from:

- the Department of the Premier and Cabinet
- Queensland Health
- Queensland Fire and Emergency Services
- the Department of Justice and Attorney-General, and
- the Australian Electoral Commission.

The reference group met fortnightly from mid-September 2020 until mid-November 2020 and its remit was to:

- advise the ECQ on election practices relevant to health directives and COVID-safe workplace practices and recommend improvements to election delivery
- consider regulatory arrangements required to facilitate the safe conduct of elections
- contribute to the ECQ's analysis of, and response to, any COVID-19 related business continuity matters
- contribute to the development of the ECQ's communications which aimed to increase public confidence in the election process during COVID-19, and
- consider any other matter relating to COVID-19 that could impact public confidence or the election process.

Delivering a COVID-safe election

The 2020 State general election was conducted over an election period, rather than focusing on an election day, with the ECQ delivering a predominantly attendance event, that featured expanded in-person voting options and a greatly increased capacity for postal voting and telephone voting.

Election delivery was supported by a special legislative framework enacted through the passage of the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* on 18 June 2020. This Act included amendments to the *Electoral Act 1992* providing extra flexibility in the statutory framework for the elections including:

- flexibility to change dates for election milestones contained in the writ

Electoral Commission of Queensland
Submission to Joint Standing Committee on Electoral Matters
Inquiry on the future conduct of elections operating during times of emergency situations

- ability for the ECQ to issue notices that change timeframes for postal voting applications and expand eligibility for telephone voting
- power for the ECQ to issue directions regulating the handing out of election materials or how-to-vote cards near polling places and the activities of scrutineers, and
- the ability to declare certain classes of voters or electorates to automatically receive a postal vote by regulation.

The ECQ considered the additional regulatory flexibility provided through this legislation and determined the ways in which these provisions should be operationalised to enhance service delivery. Key changes that were implemented included the early opening of postal vote applications, the declaration of additional categories of electors that were eligible to telephone vote and special arrangements for postal voting in aged care and rehabilitation facilities which would usually receive a mobile polling service as a 'declared institution'.

Election services

To enable greater social distancing and based on voting patterns at the March local government elections, the ECQ planned for early voting to be a major voting channel for the State general election. Additional early voting centres were established, approximately 200 across Queensland, with hours expanded during the early voting period from 19 to 30 October 2020:

- 9.00am to 6.00pm on Mondays, Wednesdays and Fridays
- 9.00am to 9.00pm on Tuesdays and Thursdays, and
- in a first for a State general election, early voting centres were open across all of Queensland from 9.00am to 5.00pm on Saturday, 24 October.

A COVID-safe plan for all polling places was implemented in consultation with health authorities. Returning Officers and supervisors were provided with guidance and resources to ensure all returning offices and polling places were set up to protect voters and election staff from exposure to COVID-19. Measures that were implemented at these locations included:

- training for election staff
- actively maintaining social distancing
- use of contact tracing registers
- frequent cleaning
- provision of hand sanitation facilities, and
- the use of daily checklists to ensure measures were maintained for the entire election period.

In the instances of exposure in a returning office or polling place, the COVID-safe plan included a range of contingencies to be implemented to limit the impact on election delivery. Copies of the COVID-safe plans that were provided to each Returning Officer and polling place supervisor can be found at Attachment 2 and Attachment 3 respectively.

Queensland electors were also able to apply for postal votes from 14 September 2020. This was the first time that postal voting applications had opened prior to the issue of the writ. The early opening date for postal vote applications was set by a notice under special provisions of the *Electoral Act 1992* for the 2020 State general election. The earlier opening date had a dual benefit, providing additional time for electors to lodge an application, while also allowing

the ECQ to manage the higher demand for this service across an extended timeframe. The anticipated increase in demand for postal voting was realised, with approximately 900,000 postal votes issued to electors for the 2020 State general election.

To address challenges with postal delivery timeframes, the ECQ implemented a new model for receipt of postal votes to expedite the process and reduce the time taken for postal votes to be returned. In partnership with logistics and print suppliers, the ECQ established postal vote hubs in Brisbane and Townsville to collect all postal votes and deliver them directly to the relevant Returning Officers. This allowed the ECQ to expedite the processing of postal votes received at the hubs through Australia Post sorting centres, and rapidly and securely transport them to Returning Officers for scrutiny and counting.

The ECQ also expanded its capacity to provide eligible voters with a telephone voting service. Under normal circumstances, eligibility would be limited to people who cannot vote without assistance due to an impairment, an insufficient level of literacy or who live over 20 kilometres from a polling booth. However, the ECQ utilised powers available to it in the special legislative framework to expand eligibility for telephone voting to include:

- electors who were overseas or interstate during the election period
- electors required to quarantine or isolate, for example those diagnosed with COVID-19 or because of a direction issued under the *Public Health Act 2005*, and
- electors receiving a COVID-19 test and ordered to quarantine or isolate until advised of the test results during the final days of the election period.

As was anticipated, there was a significant shift in voting patterns compared with the 2017 State general election. While election figures are still being finalised, preliminary data indicates:

- 1.29 million people voted early (740,000 in 2017)
- 750,000 postal votes were returned of the 900,000 issued (310,000 returned in 2017)
- 15,000 people cast a telephone vote (1,200 in 2017), and
- 930,000 people voted at an election day polling booth (1.6 million in 2017).

Stakeholder engagement

A core part of ensuring the safety of all election participants during an emergency involves managing the activities of candidates and political parties, including their volunteers and scrutineers, in and around polling places. The special legislative framework for the 2020 State general election granted powers to the Electoral Commissioner who issued directions to candidates and parties on:

- the distribution and display of how-to-vote cards or other election material, and
- the movement of candidates or scrutineers.

When considering how it would exercise these powers, the ECQ balanced the need to protect the health and safety of voters, election staff and volunteers, with the right of candidates and parties to participate in public life and not unnecessarily infringe on political communication. As part of the process of developing the directions, the ECQ consulted registered political parties on the draft directions to ensure that they could provide feedback on the proposed approach. Additionally, candidates and registered political parties were regularly provided updates on the election process and the ECQ decision making through regular emails and newsletters sent throughout the election period.

Final remarks

The delivery of two primarily attendance elections in March and October 2020 during the COVID-19 global pandemic presented a significant challenge to the ECQ. The successful delivery of these events was the result of a unified and consultative approach to election delivery, and particularly for the State general election, was aided by increased regulatory flexibility and additional resourcing. A key learning from these elections has been the importance of working collaboratively with lead agencies and coordinating responses in line with expert advice. Significantly, the ECQ is pleased to note that no cases of COVID-19 have been identified in direct connection to the conduct of the March local government elections or October State general election.

The ECQ thanks the Committee for the opportunity to provide a submission and hopes this information supports its deliberations.

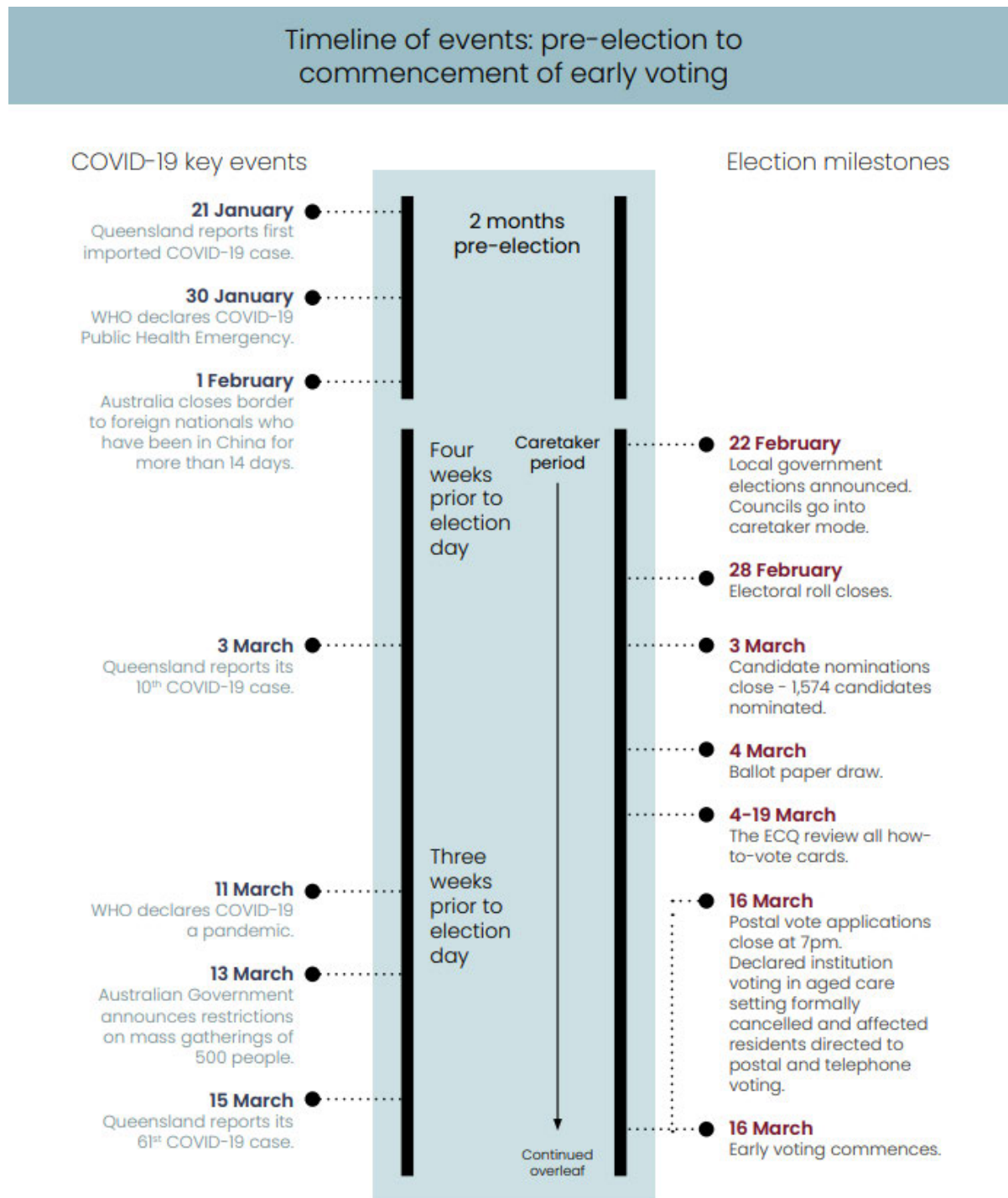
List of Attachments

Attachment 1 – Local government elections and a timeline of events

Attachment 2 – State general election COVID-safe polling place plan

Attachment 3 – State general election COVID-safe returning office plan

Attachment 1a – Timeline of events: pre-election to commencement of early voting



Attachment 1b – Timeline of events: early voting period to election day

