



**NORTHERN
TERRITORY
ELECTORAL
COMMISSION**

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The Secretary
Joint Select Committee on Electoral Matters
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
Attn: Rebecca Gordon

Dear Ms Gordon

INQUIRY INTO CAMPAIGNING ACTIVITIES AT POLLING PLACES

Please find attached a submission from the Northern Territory Electoral Commission in respect to the above inquiry.

If you require any further information, please do not hesitate to call me on (08) 8999 5000 or email iain.loganathan@nt.gov.au.

Yours sincerely

Iain Loganathan
Electoral Commissioner

17 July 2015



SUBMISSION TO THE JOINT SELECT COMMITTEE ON ELECTORAL MATTERS

Inquiry Into Current Campaign Rules And Practices In Relation To Campaign Activities In The Vicinity Of Polling Places

Submission from

Northern Territory Electoral Commission (NTEC)

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The Northern Territory Electoral Commission (NTEC) makes the following observations in relation to campaigning activities at polling places:

1 Background

Since the 1980's, there have been changes, both federally and in State and Territory jurisdictions, to the electoral framework, including the registration of political parties, the inclusion of political party names on ballot papers, release of elector contact data to candidates and parties and increased regulation regarding advertising, campaigning and penalties for campaign infringements. These changes have occurred at the same time as burgeoning information and printing technologies have allowed electors to be canvassed individually and collectively over an extended period, in a very intensive manner:

- In their private space, e.g. homes, electronic and surface mail, internet, messaging on mobile phones, in social and print media, radio and television advertising. The restrictions imposed by electronic blackouts on advertising do help lessen the domestic bombardment on electors close to the event, though in-person attendance at a polling place can still be a fraught experience.
- In the public domain at the cinema, on railings, trees, pylons and commercially available advertising locations, parked and moving vehicles.
- Outside early, mobile and static polling places.

The surfeit of canvassing can occur in a manner that may be overwhelming to some, particularly when concentrated in a physical location.

2 Northern Territory issues

The NTEC addressed this issue in its report on the 2012 NT General Elections¹, section 2.6 'Canvassing at Static and Mobile Polling Places'.

It noted that a common complaint received from the public is that gaining entry to a polling location often requires running a gauntlet of campaign workers handing out How-to-Vote (HTV) and other materials outside the polling place and that electors should be able to enter a polling place unimpeded by any obstructions. Such obstacles can be physical structures e.g. A-frames with campaign posters, tables with campaign literature, balloons and other give-aways.

Campaigners mostly wear apparel that identifies the candidate they are supporting so it is clear to everyone where their allegiance lies. Campaign workers spruiking on behalf of their candidate can sometimes be boisterous and, at times, may even appear intimidating to the elector or bystander, resulting in an unpleasant voting experience.

The NT has relatively small electorates for Legislative Assembly elections (around 5200) and that often generates a high level of competitiveness amongst campaign workers. It also results in an increased likelihood that an elector and a campaign worker may be known to each other and the elector may choose to ignore HTV materials or take all material on offer so as to keep his/her voting intention secret.

¹<http://www.ntec.nt.gov.au/NTEC%20Forms%20and%20Documents/Reports%20and%20Plans/2012%20NT%20General%20Election%20Report.pdf>

Restrictions on canvassing outside polling places for all Australian jurisdictions are shown in the following table.

Table: Restrictions on canvassing outside polling places for Australian jurisdictions

Jurisdiction	Canvassing Restrictions (metres from polling place entrance)
Victoria	3
Commonwealth, NSW, Queensland, SA, WA	6
Northern Territory	10
ACT, Tasmania *	100

* Robson Rotation applies for the printing of candidate names on ballot papers

Most of the problems and complaints regarding canvassing in the NT are generated from alleged incidents occurring at remote polling locations. Remote polling is conducted in challenging conditions that provide added scope for discontent, transgression and complaint. Factors such as voting areas with poor amenities, language barriers, high levels of assisted voting, limited communication and control being exercised over remote campaign workers/polling staff and longstanding ill feeling between certain campaign workers all contribute to exacerbating the situation in the field. As voting outcomes in the bush become less predictable, it is expected that problems and complaints will only increase and intensify in the future.

Any changes to political campaigning must be practical to administer, i.e. banning canvassing from the grounds of voting premises (e.g. school or hall) would be difficult to police where there are no defined boundaries. For example would such a ban still permit party workers to hand out HTV material from across the street?

A ban on campaign workers from the vicinity of polling places would likely impact on voter participation, especially in remote communities. These communities are serviced through remote mobile polling teams that may only be scheduled to offer voting facilities for as little as ½ hr. Despite targeted public awareness, many residents remain unaware of the details of mobile polling for their community and a visible campaign and campaigner presence can counter that, resulting in a positive impact on voter turnout.

It is also important to note that HTV cards do assist some voters, who are unsure or unaware of how to correctly fill out a ballot paper, to cast a formal vote.

Whilst a total ban on campaign workers at polling places is not supported, establishing a limit should be considered, i.e. two campaign workers at each polling place per candidate. Restrictions (or possibly a total ban) on the amount of political paraphernalia, e.g. banners and signs, used at polling places should also be considered. Electors should not have to 'run the gauntlet' in order to vote, with polling places largely being an apolitical environment. There should be a small presence of campaign workers so that should electors wish to avail themselves of HTV material, they have that option.

Any legislative amendments to restrict campaign material access will be difficult to police in remote regions. The main problem rests with the conduct of campaign workers during remote mobile polling and attitudinal changes would be required. This might best be achieved by stakeholder consultation, commencing with a forum between affected stakeholders; these may include party representatives, members of

parliament, past independent candidates, the AEC and local government representatives (any legislative change to Legislative Assembly elections may naturally flow to local government elections). The objective would be to establish agreed protocols on values, practices and behaviours and identification of mechanisms to ensure compliance in regard to campaigning at remote polling.

3 The distribution of how-to-vote (HTV) cards

Concerns are also frequently expressed about the cost and environmental impact of producing HTV material that ends up as waste. Candidates with limited resources also find it difficult to compete with those with better resources, especially in the case of mobile polling.

It can be argued in mitigation that the overriding consideration should be that candidates have the right to campaign within the law and have ready access to the voters at an important time within the campaign. It is also undeniable that some electors wish to follow candidate preferences and the use of HTV cards can be useful when others are rendering help to voters who require assistance with completing the ballot paper. Removal of HTV material would likely have a negative impact on formality voting rates.

It is noted that some electoral jurisdictions enable candidates to register HTV cards that are subsequently displayed, as a composite poster, or printed booklet, at the polling location or inside the voting compartment. This would benefit mobile polling programs, in urban and remote situations, that are presented with particular issues of access and isolation from other campaigning. Given the geography and short election timetable in the NT, this would be extremely difficult to administer.

4 Allegations in relation to the conduct of, and material disseminated by, campaigners at state and federal elections in the vicinity of polling places intended or likely to mislead or intimidate electors

The NTEC is aware that candidates may stand as independents with the express intention of directing preferences to another candidate, often one endorsed by a political party. Their HTV cards will reveal that voting preference but their authorisation details should not be misleading. Clothing worn by campaign workers outside polling places, by colour and wording can imply a voting allegiance that contradicts preferences on HTV material and is deceptive in intent. This is usually part of a political strategy and it often causes disputes amongst campaign workers and is difficult for electoral commissions to administer.

5 Campaigning by organisations other than political parties at polling places

Regulations relating to scrutineers and scrutineering make no distinction between scrutineers for independent, group/entity or party candidates. Requirements on numbers, candidate authorisation, removal of campaign apparel etc. inside the polling place and/or counting centre are the same.

Requirements of similar uniformity apply to advertising and campaign materials and activities, aimed primarily at candidates nominated for election. The regulatory intention is to secure transparent and appropriately authorised and managed canvassing activities and materials, within tolerable limits, for all election participants, including the electoral jurisdictions.

Polling place activism by pressure groups has been noted in selected seats in the NT though its presence has been limited in focus and its impact has not been measured. The small electorates in the NT make them especially subject to a swing that, elsewhere, would be of relatively minor dimensions.

If restrictions on the number of campaign workers are considered, this reform could extend to restricting polling place canvassing to candidates and parties with a direct and formalised interest in the election, as evidenced by candidature on the ballot paper.

Notes:

- (i) Any changes to the defined area or limitations on campaign workers should not exclude the presence of scrutineers from polling places. The scrutiny of elections by candidate representatives ensures that the voting process is an open and transparent process.
- (ii) Any restriction on canvassing access at static and mobile polling places needs to be mindful of any deleterious effect an inconsistent approach might have between Commonwealth, Territory and local government elections (legislative changes to parliamentary elections may flow-on where relevant to local government polls).
- (iii) In jurisdictions with large remote areas to poll, e.g. NT, Queensland and WA, varying implications for urban and remote polling also need to be considered.