

Budget estimates 2024-2025

Supplementary questions

Questions from Hon Chris Rath MLC (on behalf of opposition)

NSW Electoral Commission – Funding Arrangements

(1) Are there any new items that the Commission might be looking at, beyond the three previously submitted items yet to be funded (digital modernisation of your systems, a proposal to re-baseline your budget and technology-assisted voting), which might improve the delivery of elections in the future?

Answer:

Despite not receiving additional systems and workforce funding in 2024/2025, the Electoral Commission continues to explore opportunities to improve the delivery of future elections should funding become available. For example, the Electoral Commission is currently considering:

- the outcome of a trial of electronic mark-off on election day undertaken at the recent Port Macquarie by-election. This trial gathered information about the effectiveness of this mechanism for an improved voter experience and operational efficiency. The results of the trial will inform any future funding request for a broader implementation of electronic election day mark-off.
- the potential benefits of ballot paper scanning for Legislative Council ballot papers, noting any solution would have to be cost-neutral to be considered for implementation unless additional funding was available.
- subject to legislative amendment, an earlier commencement of counting activities for postal and early votes earlier at Election Managers' offices, together with increased tracking of electoral rolls and improved audit processes at count centres.

If additional funding did become available, other broader improvements will now need to wait for implementation at the earliest at the 2031 and 2032 elections, having missed the window of opportunity for the 2027 and 2028 election cycle. These measures could include:

- integration of systems supporting engagement with and regulation of election participants, such as a "single sign-on" for Electoral Commission systems used by candidates and other regulated participants.
- improved postal vote tracking and notifications for voters.
- consideration of artificial intelligence tools in the electoral context, to augment and improve the Electoral Commission's service delivery and compliance activities.

The Electoral Commission has also recently re-assessed the urgent maintenance needs of its existing legacy systems ahead of the 2027 State election and is separately seeking approval to re-purpose other underspent but protected budget funding towards this work. These critical systems include the count system, the nomination system, the ballot paper production system, election staffing systems, and the online funding and disclosure system.

(2) At the last estimates the Commission indicated it would be forced to exit staff under the 2024-25 budget. Has that process taken place?

Answer:

Since 29 November 2024, the Electoral Commission's staff headcount has reduced by 74. This total includes 34 employees and 40 contractors/ consultants. A broader re-organisation was paused, however, following the appointment of a new Electoral Commissioner in December 2024, for the development and submission of a new workforce funding proposal by the new Commissioner for the consideration as part of the 2025/2026 budget.

(a) What impact has this had on the NSW Electoral Commission?

Answer:

The Electoral Commission has lost employees and contractors who have significant knowledge and expertise that is essential for delivering and regulating elections in NSW. This creates inefficiencies and operational risks for the Commission.

(3) Does the Commission remain unable to offer logos on ballot papers in future elections as a result of a lack of funding for the proposed digital modernisation program?

Answer:

The Electoral Commission remains unable to offer logos on ballot papers at a general election. Implementation of the system changes required to implement logos on all ballot papers at a general election was included within the scope of the digital modernisation programme proposal that was not supported for inclusion in the Commission's 2024/2025 budget. The Commission has since taken the following steps to keep open the possibility of being able to offer logos for the 2027 State election:

- the Commissioner has sought approval to carry forward and repurpose underspend from other projects to fund urgent systems maintenance, including the changes required for logos, as part of the Commission's 2025/2026 budget. Due to the complexity of the Commission's legacy systems and the delay in starting this work, however, there remains a risk that even if funding now becomes available, appropriate system changes cannot be made prior to the 2027 State election. This will be confirmed as soon as possible. If systematic production of Legislative Assembly ballot papers with logos is not funded or proves not to be feasible, the Electoral Commissioner may recommend a legislative amendment to suspend the requirement for logos for the 2027 State election.
- new functionality to improve the registration process for new political parties and the maintenance of registration details for existing parties has been included in the next release of the Commission's online funding and disclosures system. This new functionality is currently being tested prior to release later this year and will include the submission and maintenance of party logos for registered political parties. The new online party registration system does not enable submission of logos for independent candidates, however, who also have the right to request a logo be printed on a ballot paper;
- the recent by-election in Port Macquarie has been conducted according to the Electoral Act, including using logos for political parties. Because only one ballot paper is required for a by-election, the creation of the necessary artworks manually, and thorough quality assurance checking before printing, was possible. It was therefore not necessary to changes any election management systems for this by-election.

Change of 2027 Election Date

(4) What did the Government's consultation with the Electoral Commission over bringing the date of the 2027 election forward to 13 March look like?

(a) What course of action did the electoral commission suggest in particular given the clash of dates, if any?

i. Did the Electoral Commission suggest any other dates or alternative solutions?

(b) Will the proposed change of date affect any of the electoral commission's processes leading into the election?

(c) Will the hiring and training of short-term election workers be affected in any way by the change of date?

Answer:

(a) (i) The NSW Government sought the views of the former Electoral Commissioner on the operational impact of potential alternative dates for the 2027 State election. The former Electoral Commissioner supported a change of election day to avoid Easter Saturday and advised that there were four potential alternatives that would be operationally suitable for the Electoral Commission:

- Saturday 27 February
- Saturday 6 March
- Saturday 13 March
- Saturday 20 March

(b) Each of the four alternative dates was assessed by the Electoral Commission, particularly in relation to the predicted impact of the Easter holiday period on postal services (which are critical for postal vote returns) and the recruitment of additional election staff. For a 13 March 2027 election day, the end of the 13 day period for the close of receipt of postal votes would fall on Good Friday 26 March 2027. The Commission noted that the public holiday would mean the closing date is extended by legislation to Tuesday 30 March 2027 but that such an extension was not likely to lead to any significant change in the postal votes being returned on time, especially from overseas, due to the impact of the public holidays on postal services. If, as was the case at the 2023 State election, the prescribed period for the return of postal votes was only 12 days, the Commission noted that closing date would instead be Thursday 25 March 2027, the day before Good Friday.

The Commission's usual counting and results timetable following a general election would also be reduced by Good Friday and Easter Sunday in three out of four of the alternative dates, so the usual timeframe for the declaration of results would likely be extended by two days under all options except the February one.

(c) The Electoral Commission anticipates that a change of date from Easter Saturday to 13 March 2027 will assist it to hire election officials to work on election day across New South Wales. More than 25,000 local staff are likely to be required. In its centralised postal vote processing and count centres, which are usually located in Sydney, the public holidays after election day may still mean there are challenges engaging sufficient and stable numbers of casual 'surge' staff for those operations. These challenges were experienced by the Commission, however, during operations for the 2023 State election which also fell near to Easter.

Questions from Ms Abigail Boyd MLC

Can you provide any update on the Commission's work in coordinating a pilot for trialling sensory friendly spaces at voting centres for the 2027 election?

Answer:

The Electoral Commission recognises that noise, bright light, busyness, colours and queues on election day can be overwhelming for some voters. It is taking the following steps, therefore, to explore how it could trial "sensory friendly" spaces at elections in New South Wales:

- the Commission has proposed amendments to electoral legislation that would allow the issue of votes to electors outside a voting centre. Such amendments could permit its local election officials to issue votes near to a voting centre but not within the building, supporting both electors with mobility issues but also voters with sensory needs;
- during 2025, the Commission will invite additional representative bodies to join our Equal Access to Democracy Disability Reference Group so it can better understand the needs of voters with specific sensory needs, and identify what assistance could be offered both generally and at any specific pilot at the 2027 State election;
- the Commission will review the evaluation of the recent low sensory voting trial by the Victorian Electoral Commission, and the evaluations of the ACT Electoral Commission's introduction of a low sensory voting centre at its October 2024 election and a pilot at the Western Australian State election in March 2025. These reviews will inform what could be piloted at the 2027 NSW State election.

(6) Ahead of the 2025-26 NSW Budget, how much additional funding is the Commission requesting from the NSW Government?

Answer:

The Electoral Commission has submitted one (1) New Policy Proposal (NPP) and two (2) Parameter and Technical Adjustments (PTAs) as follows:

- Cyber Security Ongoing Maintenance – The Commission is seeking ongoing funding to maintain its uplift in its cyber security posture. Funding to implement the uplift was previously received through the Digital Restart Fund but ongoing operating funding is required. Total operating expenditure in the first 5 years would be 12.6M.
- State General Election Year One Funding – The Commission delivers general elections under a multi-year programme structure to provide appropriate governance and assurance. There is a current funding gap for its 2027 State election programme Year One activities, which include establishing and standing up the programme, on-boarding key resources to assist with managing project management deliverables, setting a high-level schedule, and undertaking key procurements around venue infrastructure. The funding being sought for 2025/2026 activities is \$18.9M. A further funding submission for the balance of the programme's requirements will need to be made in 2026/2027.
- Workforce – the Commission has again made a submission to expand its ongoing workforce, and reduce its reliance on contractors, but this funding request is significantly less than was submitted by the Electoral Commission for the 2024/2025 budget. This reduction in scope is not because the challenges to election integrity and trust in electoral institutions have lessened in the last year. Rather, this more limited workforce funding request acknowledges the current fiscal environment by focussing on the immediate need to stabilise the election workforce to reduce risk to the Commission's regulatory and election services. \$52.5M is being sought in the first five years.

In addition to the above requests, the NSW Electoral Commission is also requesting approval to carry forward \$8.3M of underspend from FY24/25 and to repurpose this to carry out critical maintenance on our systems next financial year.

Essential work under this programme includes:

- urgent changes to enable legislation for logos for political parties and independent candidates to be included on ballot papers
- urgent updates to the Commission's computer count systems, without which the 2027 State election and the 2028 local council elections risk failing.
- urgent updates to the system used by parties, candidates and others for campaign registration and political donations disclosures to ensure it remains available beyond December 2025 when core components will no longer be supported by Salesforce
- urgent changes to election staffing systems to improve security and avoid further privacy data breaches.

(a) The Commission has previously been resourced to employ one officer on an ongoing basis who provides outreach to stakeholders. Given that you are not putting in a specific digital modernisation bid for this Budget, are you requesting additional funding to resource the Commission's outreach work, to inform voters who previously relied on technology assisted voting about their voting options in the 2027 State Election?

Answer:

The Electoral Commission is currently planning for only one additional stakeholder engagement role, a Campaigns coordinator (Grade 5/6), to be engaged on a temporary basis to support groups of electors in the lead-up to the 2027 State election with specific requirements. Funding for this temporary role will form part of the Commission's funding request for additional but temporary head office staff to support the election.

In the Commission's 2025/2026 Workforce budget submission, funding for additional ongoing staff to support the Commission's stakeholder engagement activities has been sought. That submission does not include any buffer resourcing, however, to meet any services or capability required to implement new government priorities, parliamentary inquiry recommendations or other reviews that may arise before the 2027 State election.