

COVID-19 safety plan for elections

Archived material. This information is no longer current and is provided for reference purposes only.

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Purpose

The purpose of this document is to outline how the NSW Electoral Commission will safely and effectively facilitate elections in the current COVID-19 environment. As the COVID-19 Safety Plan (**the Plan**) will be applicable to both state and local government elections, the neutral terminology of 'election venue' is used throughout, to include any public location used by the NSW Electoral Commission for the conduct of an election.

The NSW Electoral Commission notes that, as at the date this version of the Plan was published, we are operating in accordance with the *Public Health (COVID-19 General) Order (No 2) 2021*, made under the *Public Health Act 2010*.¹ In addition to the mandatory requirements of any relevant public health orders, the NSW Electoral Commission may impose further safety controls to minimise the risk of exposure to COVID-19.

Given the rapidly changing levels of risk associated with the COVID-19 pandemic, this Plan may need to be updated to respond to changes in circumstances: for example, the issuing of additional public health orders during an election period.² To ensure you have the most up-to-date copy of this Plan, please refer to our website.³

The NSW Electoral Commission's overall aims in responding to COVID-19 and delivering an election are (not in order of importance) to:

- protect the health and safety of electors;
- protect the health and safety of candidates, scrutineers and other political participants;
- protect the health and safety of election workers;
- follow advice and directions of government authorities in reducing exposure to COVID-19; and
- minimise COVID-19 exposure risks by:
 - encouraging eligible electors to vote by post, or to use technology assisted voting (if available, such as telephone voting for electors who are blind or have low vision) or to vote early in person to reduce the number of people simultaneously attending voting venues on election day
 - abiding by venue capacity restrictions where applicable
 - requiring all eligible workers of the NSW Electoral Commission to be double vaccinated, with booster vaccinations strongly encouraged
 - requiring the wearing of a face mask in election venues
 - requiring all persons attending election venues to check in and out, using Service NSW COVID Safe Check-in QR code wherever possible
 - encouraging physical distancing (1.5m) wherever possible
 - implementing hygiene management measures
 - directing persons to stay home if they display symptoms of COVID-19

¹ The current *Public Health (COVID-19 General) Order (No.2) 2021* is available [here](#).

² Current health information is available at: <https://www.nsw.gov.au/covid-19>.

³ Current safety plan available at: <https://www.elections.nsw.gov.au/LGE21-COVID19>. As the Plan is not subject to the control of the NSW Electoral Commission once printed or downloaded, please refer to website for the most up to date copy.

Protection measures for COVID-19 during elections

During election periods, the NSW Electoral Commission will introduce measures to minimise risks to the health, safety and wellbeing of electors, election workers, political participants, and others, and reduce the risk of exposure to COVID-19.

These measures may include NSW Electoral Commission and election officials issuing reasonable instructions to persons attending election venues to reduce the risk of exposure to COVID-19. Such instructions will be issued according to applicable work health and safety laws, public health orders and other relevant laws or recommended public health practices that may be in place at the time.

NSW Electoral Commission workers, electors, political participants, and others attending election venues also have a duty under work health and safety laws to take reasonable care for their own and others' health and safety including minimising the risk of exposure to COVID-19.

For work health and safety reasons, therefore, entry into election venues to vote or to conduct scrutineering activities will be subject to compliance with the COVID-19 protection measures outlined in this Plan at the time of an election, even though:

- some measures in the Plan may not be required under a public health order at the time;
- enrolled NSW residents are required by law to vote in NSW elections; and
- scrutineers ordinarily have a right under electoral laws to be present in an election venue to observe election processes.

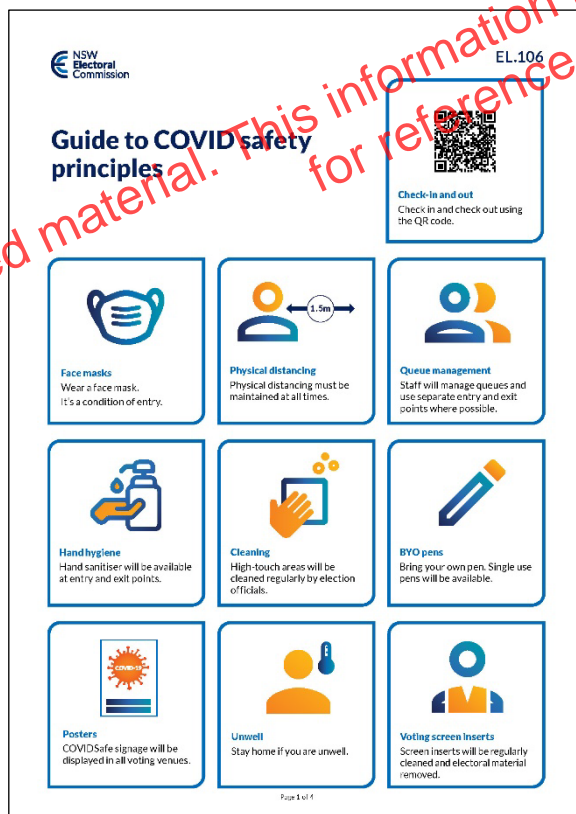
Electors, political participants and other visitors to our venues who refuse to follow the measures in this Plan may be held personally responsible for any additional risks to staff and other people at our venues arising from their conduct.

Protection measures for electors

The following key protection measures will be implemented to minimise the risks associated with COVID-19 during an election:

- encouraging eligible electors to vote by post, or to use technology assisted voting (if available, such as telephone voting for electors who are blind or have low vision) or to vote early in person to reduce the number of people simultaneously attending voting venues on election day
- implementing and promoting changes made to voting eligibility requirements at elections, such as expanded eligibility for postal voting
- requiring all eligible workers of the NSW Electoral Commission to be double vaccinated, with booster vaccinations strongly encouraged
- instructing electors, election workers, political participants and others to check-in and check-out of election venues, using the Service NSW COVID Safe Check-in QR code wherever possible. Any persons unable to check in using the QR code are required to manually check in.
- requiring our staff to wear a face mask while inside the election venue and when managing queues to enter, or gatherings of people outside an election venue, even if not mandatory according to public health orders at the time
- requiring electors, political participants and others to always wear a face mask (a small supply of which will be made available at venues) whilst inside the election venue and requesting them to do so when queuing to enter, or gathering outside an election venue, even if not mandatory according to public health orders at the time
- encouraging electors to bring their own pens, or use the single-use pens which will be provided at election venues, to mark their ballot papers

- encouraging physical distancing (1.5m) at election venues by managing elector numbers at these venues and ensuring there is sufficient space between voting screens and issuing tables
- employing additional election workers to assist in managing physical distancing and implementing hygiene measures
- using voting screen inserts to allow for regular cleaning
- regularly cleaning surfaces and items used, including voting screens and issuing tables
- ensuring hand soap and/ or hand sanitiser and paper towels are available in bathrooms and providing hand sanitiser and other personal protective equipment (PPE) for use by all persons
- displaying COVID-19 relevant signage at election venues
- implementing and training workers in COVID-19 incident reporting and management procedures
- encouraging all our staff to get tested if they have the mildest of symptoms of COVID-19 (even if they have been vaccinated) or are exposed to COVID-19
- directing our staff to self-isolate and not attend our venues for a minimum of 7 days from the date of a positive COVID test, in accordance with NSW Health guidelines⁴
- directing our staff to manage any potential exposure to COVID-19 in accordance with NSW Health guidelines for people exposed to COVID-19⁵
- directing our staff not to attend our venues to work if they have the mildest of symptoms of COVID-19 (even if they have been vaccinated)
- other reasonable measures as required to reduce the risk of exposure to COVID-19.



⁴ <https://www.health.nsw.gov.au/Infectious/factsheets/Pages/advice-for-confirmed.aspx>

⁵ <https://www.health.nsw.gov.au/Infectious/factsheets/Pages/people-exposed-to-covid.aspx>

Electors who are subject to mandatory quarantine or who are required to self-isolate (including following a COVID-19 test) must not attend an election venue in person and are encouraged to use alternative voting channels, where eligible. Voting in NSW state and local government elections is compulsory, but an obligation to be in quarantine/self-isolation throughout the voting period can be considered by the Electoral Commissioner as a sufficient reason for an individual elector being unable to vote at an election.

Should the level of COVID-19 related risk change in the lead up to or during an election, either generally or in specific electoral districts or local government areas, the NSW Electoral Commission will work with NSW Health to respond accordingly.

Protection measures for NSW Electoral Commission election workers

The following measures will be implemented to minimise the risks associated with COVID-19 for election workers:

- requiring all eligible workers of NSW Electoral Commission to be double vaccinated, with booster vaccinations strongly encouraged
- instructing electors, election workers, political participants and others to check-in and check-out of election venues, using the Service NSW COVID Safe Check-in QR code wherever possible. Any persons unable to check in using the QR code is required to manually check in
- undertaking a check-in procedure around COVID-19 compliance for each worker or supplier coming onto a NSW Electoral Commission site, including reviewing and recording COVID-19 surveillance test results for workers where public health orders require such tests
- instructing workers who have been present in NSW Electoral Commission workplaces to:
 - advise their direct manager by telephone or email as soon as practicable (and in accordance with the timeframe set out in public health orders, if any, at the time) if they test positive to COVID-19
 - advise their direct manager by telephone or email as soon as practicable (and in accordance with the timeframe set out in public health orders, if any, at the time) if they are (or should be) considered by NSW Health to be a close contact of a COVID-19 confirmed case; and
 - not to return to a NSW Electoral Commission workplace in either case until the isolation period required under NSW Health guidance or public health orders is complete, and any requirements for negative test results and/or being symptom-free are satisfied
- instructing our election workers to wear a face mask whilst inside the election venue and when managing queues to enter, or gatherings of electors and candidate campaign volunteers outside an election venue, even if not mandatory according to public health orders at the time
- requiring scrutineers to wear a face mask whilst inside any election venue
- requiring electors, political participants, candidate campaign volunteers and others to always wear a face mask (a small supply of which will be made available at venues) whilst inside the election venue and requesting them to do so when queuing to enter, or gathering outside an election venue, even if not mandatory according to public health orders at the time
- providing election workers with additional training modules covering COVID-19 infection control practices
- surfaces and items used often will be regularly cleaned, including computer hardware used by election workers
- issuing election workers with their own stationery and discouraging the sharing of items, equipment, and materials where possible

- encouraging physical distancing (1.5m) at election venues by managing electors, scrutineers, election workers and others during the issuing of votes and scrutineer activities
- encouraging the use of hand sanitiser and the washing of hands
- providing face masks and gloves for use by workers
- providing face shields for use by election workers where requested by election workers prior to commencement of work
- where permissible and practical to do so, open windows and doors within an election venue to encourage airflow
- provide a separate waste bin (to be double bagged) for the disposal of used PPE
- employing additional workers to assist venue managers maintain a safe and healthy election venue. The duties of these additional workers will include:
 - instructing those who wish to enter to check-in and check-out of election venues using the Service NSW COVID Safe Check-in QR code, wherever possible
 - instructing workers entering election venues to wear a face mask
 - requiring electors and political participants entering election venues to wear a face mask
 - queue management, including maintenance of physical distancing
 - monitoring and controlling the number of electors permitted to enter election venues at any one time
 - cleaning surfaces and items, including voting screens and issuing tables
- other reasonable measures as required to reduce the risk of exposure to COVID-19.

Election workers experiencing symptoms of COVID-19, or who are subject to mandatory quarantine or who are required to self-isolate, will be directed not to attend an election venue.

Venue managers will be responsible during the election period for monitoring workers' health and wellness, as well as issuing reasonable instructions to workers about personal health protection issues and making reports to Returning Officers, Election Managers and NSW Electoral Commission Head Office where required.

Any known exposure of staff or visitors to NSW Electoral Commission offices or election venues will be risk assessed and managed in accordance with NSW Health guidelines for people exposed to COVID-19⁶.

Protection measures for political participants (including volunteer campaigners and scrutineers)

The following COVID-19 protection measures will be adopted to minimise the risks associated with COVID-19 for political participants, as well as NSW Electoral Commission workers and other people at election venues attended by political participants:

- everyone is required to check-in and check-out of election venues using the Service NSW COVID Safe Check-in QR code. Any persons unable to check in using the QR code is required to manually check in
- instructing our election workers and scrutineers to wear a face mask whilst inside the election venue

⁶ <https://www.health.nsw.gov.au/Infectious/factsheets/Factsheets/people-exposed-to-covid.pdf>

- requiring electors, political participants and other visitors to always wear a face mask whilst inside the election venue and requesting them to do so when queuing to enter, or gathering outside an election venue, even if not mandatory according to public health orders at the time
- political participants who are subject to mandatory quarantine requirements or who are required to self-isolate must not attend an election venue (including where the person should know that NSW Health would consider them to be a household or high risk contact of a COVID-19 confirmed case if they were aware of all the relevant facts)
- electors who are subject to mandatory quarantine or who are required to self-isolate (including following a COVID-19 test) should not attend an election venue in person and are encouraged to use alternative voting channels, where eligible.
- participants who are experiencing the mildest of symptoms of COVID-19 (even if they have been vaccinated) or are exposed to COVID-19 are encouraged to get tested for COVID-19, and to only enter an election venue until after confirmation of a negative result. If a test is not practicable, any candidate or registered party whose scrutineer is experiencing symptoms should appoint a replacement scrutineer to attend on their behalf.
- acknowledging the important role of scrutineers in maintaining the integrity of elections, election officials may still determine in specific cases to request scrutineers to take further steps, including leaving an election venue and/or its immediate vicinity, if the ongoing presence of the scrutineer creates a risk to the health and safety of other persons at the venue relating to COVID-19.
- the Electoral Commissioner has issued a *COVID-19 Protocol for Scrutineers*, which is published on the NSW Electoral Commission [website](#).

Protection measures for third party suppliers

The NSW Electoral Commission will work closely with its third-party suppliers to ensure practical, protective measures are agreed upon and put in place to ensure a safe working environment at election venues.

As with staff, electors and political participants who attend election venues, third party suppliers have a duty under work health and safety laws to take reasonable care for their own and others' health and safety including minimising the risk of exposure to COVID-19.

Public awareness messaging from the NSW Electoral Commission will educate and inform electors, political participants and others of the changes in the election in response to COVID-19. This will occur across a range of media and translated into widely spoken community languages.

Political participants' responsibility for COVID-19 safety

Political participants have a critical role to play in minimising the risks of exposure to COVID-19 in the community during election-related activities. The NSW Electoral Commission is committed to minimising disruptions to campaigning, scrutineering and other activities that contribute to the integrity of elections. As outlined in this Plan, however, certain adjustments and directions will be necessary according to the levels of risk associated with the COVID-19 pandemic and public health orders in place at the time of an election event. The NSW Electoral Commission anticipates and expects the cooperation of political participants in ensuring elections in NSW are as safe as possible for all.

It is expected that every political participant (i.e., candidates, scrutineers, candidate workers and third-party campaigners) will ensure they stay up to date with public health advice about COVID-19 issued by NSW Health and orders issued under the Public Health Act that may apply to them during the election.

All political participants who attend an election venue also have a duty under NSW workplace health and safety laws to:

- take reasonable care for their own health and safety
- take reasonable care that their acts or omissions do not adversely affect the health and safety of other participants, electors, workers and others
- comply with any reasonable instruction that is given to them by election officials to allow the NSW Electoral Commission to comply with its work health and safety obligations.

At the current time, the NSW Electoral Commission is instructing all participants in an election to check-in prior to entering a venue, and encouraging them to:

- wear face masks always in the election venue or while gathering or queuing outside;
- practice 1.5 metres physical distancing;
- comply with any requirements related to quarantine or self-isolation; and
- avoid election venues if they are experiencing symptoms of COVID-19.

In the event of changes to levels of risk associated with the COVID-19 pandemic prior to or during an election, additional instructions may need to be given by the Electoral Commissioner to maintain safety, which political participants will need to follow. Political participants at our venues who refuse to follow the measures in this Plan may be held personally responsible for any additional risks to staff and other people at our venues arising from their conduct.

Additional measures for campaigning and scrutineering due to COVID-19

Physical distancing safety guidance, as well as current public gathering limits set by order issued under the Public Health Act, will mean there are noticeable differences from pre-pandemic elections. We will actively work with participants and scrutineers to explain and implement any changes to past election practices.

Depending on the nature and severity of any further COVID-19 developments and public health orders prior to an election, these adjustments may include:

- Under the *Local Government (General) Regulation 2021*, [the Regulation] the election manager may direct that a person must not display a poster in or on a polling place or relevant premises within 100 metres of a polling place, or a pre-polling office.⁷
- Under the Regulation, the election manager may direct that a person must not hand out tangible electoral material in or on in or on a polling place or relevant premises within 100 metres of a polling place, or a pre-polling office.⁸
- Under the Regulation,⁹ the election manager may direct that scrutineers are prohibited from being physically present at a relevant place, with an exemption for scrutineers who comply with alternative scrutiny arrangements. The Electoral Commissioner has made a direction in which the alternative scrutiny arrangements are in compliance with a *COVID-19 Protocol for Scrutineers* that covers, (in summary) the following COVID-19 safety requirements:
 - a. Each candidate or group is limited to a maximum of one scrutineer per venue at which polling is carried out, ballot-papers are scrutinised, or votes are counted, at any time when these activities are taking place.
 - b. No scrutineer may attend a venue without pre-registering with the NSW Electoral Commission where they have been notified that the number of scrutineers must be limited at that venue, so as not to exceed a total capacity of 1 person per 4 square metres.
 - c. All scrutineers must maintain a physical distance of 1.5m from any other person in attendance at a venue at all times.
 - d. All scrutineers must consent to election officials sighting evidence that they have had two doses of a COVID-19 vaccination or a medical contraindication, in the form endorsed by NSW Health.
 - e. All scrutineers must wear a mask at all times when indoors at venues at which polling is carried out, ballot-papers are scrutinised, or votes are counted, and comply with all hand hygiene directions from NSW Electoral Commission staff.
- The Electoral Commissioner does not have a similar power to issue directions for scrutineers under the *Electoral Act 2017* to protect them and election workers from the risk of infection from COVID-19. Under general work health and safety arrangements, however, the Electoral Commissioner will notify all registered parties and candidates that scrutineers appointed for any State by-election are also expected to adhere to the *COVID-19 Protocol for Scrutineers*.
- Any directions made under the *Local Government (General) Regulation 2021*, or any other regulation, will be published on the NSW Electoral Commission [website](#).
- Directing participants, scrutineers and electors who refuse to comply COVID-19 safety measures around election venues to leave the vicinity.
- Encouraging electors to access candidate information online as an alternative to physically distributed election material at election venues.

⁷ Section 356TA of the *Local Government (General) Regulation 2021*.

⁸ Section 356TB of the *Local Government (General) Regulation 2021*.

⁹ Section 337A of the *Local Government (General) Regulation 2021*.

Vote counting safety

At an election, the Electoral Commissioner must determine how the counting of votes will occur while maintaining compliance with work health and safety requirements and public health orders concerning COVID-19 risks.

Changes to counting protocols

The Electoral Commissioner recognises the need to balance the delivery of a transparent election with the delivery of a safe election.

The pre-COVID-19 model of counting on election day in election venues and in the Election Manager/Returning Officer's office may not meet guidelines or public health orders around physical distancing and at the date of publication of this version of the Plan, a direction had been made and was published on the NSW Electoral Commission [website](#). The following measures will be implemented to support a safe counting process:

- All ballot boxes will be cleaned prior to election workers accessing the ballot papers.
- Each candidate or group is limited to a maximum of one scrutineer per venue at which votes are counted.
- All scrutineers and election workers must wear a mask at all times when indoors at venues at which votes are counted, and comply with all hand hygiene directions from NSW Electoral Commission staff.
- All election workers and scrutineers must maintain a physical distance of 1.5m from any other person in attendance at a venue at all times.
- In accordance with the *COVID-19 Protocol for Scrutineers*, scrutineers will be notified to pre-register with the NSW Electoral Commission where the number of scrutineers must be limited at that venue, so as not to exceed a total capacity of 1 person per 4 square metres.
- All scrutineers must consent to election officials sighting evidence that they have had two doses of a COVID-19 vaccination or a medical contraindication, in the form endorsed by NSW Health.

Timing of results

The COVID-19 protection measures implemented during the count process will mean that counting of votes may take longer than in pre-pandemic elections.

If the Electoral Commissioner makes a declaration under either the Local Government (General) Regulation or the Electoral Regulation that all electors in a particular area, ward or district are "COVID-19 affected" for a by-election, all such electors will be entitled to be sent a postal vote ballot pack without making an application. Because of an expected increase in the number of postal votes, and the extended 13 day period for returning those votes, it is anticipated that counting will also take longer compared with pre-pandemic by-elections.

Supporting material

The NSW Electoral Commission has developed COVID-19 related resources to provide additional information regarding the above measures. These resources include posters, information sheets, and online training modules for election workers to outline how the NSW Electoral Commission proposes to conduct elections in a COVID-19 safe manner.

Contact

For general information and advice about COVID-19 visit [NSW Government – Coronavirus \(COVID-19\)](#).

If you have any questions or require further information about this plan please contact us on 1300 135 736 or email covid-19.support@elections.nsw.gov.au or visit our website at elections.nsw.gov.au.

Reporting

The NSW Electoral Commission is committed to maintaining the safety of its workers, electors and political participants. Any behaviour or incident that is not supportive of the safety measures outlined in this Plan should be reported to the NSW Electoral Commission by contacting us on 1300 135 736 or via our website at elections.nsw.gov.au.

Cooperation

The NSW Electoral Commission is a public sector agency responsible for the independent conduct of state and local government elections. Preparing an election with adherence to measures in place due to COVID-19 requires a high level of coordination and planning.

To ensure there is coordination across key government agencies, the NSW Electoral Commission will seek to work closely during planning for an election with representatives from:

- NSW Health
- Department of Premier and Cabinet
- NSW Police
- Office of Local Government NSW
- NSW Department of Customer Service
- NSW Department of Education.