NSW Electoral Commission

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Candidate handbook

2021 NSW Local Government elections

Handbook for parties, groups, candidates and scrutineers



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Introduction

The *Local Government Act 1993* (the Local Government Act) and the *Local Government (General) Regulation 2005* (the Local Government (General) Regulation) provide for the conduct of local government elections in NSW. The *Electoral Funding Act 2018* (the Electoral Funding Act) and the *Electoral Funding Regulation 2018* (the Electoral Funding Regulation) provide for the management and disclosure of election campaign finances and the registration of electoral participants at local government elections.

Councils can enter into an arrangement with the Electoral Commissioner to administer their local government elections in accordance with the Local Government Act and Local Government (General) Regulation. The NSW Electoral Commission is an independent statutory authority consisting of three members, including the Electoral Commissioner, which regulates and enforces other electoral laws, including the management and disclosure of election campaign finances and the registration of electoral participants under the Electoral Funding Act and Electoral Funding Regulation. NSW Electoral Commission also refers to the staff agency, headed by the Electoral Commissioner, that assists the Electoral Commission and Electoral Commissioner to exercise their functions.

This handbook explains relevant electoral processes and procedures, however it is not a substitute for the laws which govern the conduct of an election and the participants in an election. While this handbook provides information, it does not provide legal advice. If political parties, groups, candidates or scrutineers are in doubt about any legal matters regarding the election, they should seek independent legal advice.

The information in this handbook is based on legislation at the date of publication. If the legislation changes, an updated version of this handbook will be made available from elections.nsw.gov.au. Prospective candidates should regularly check the website for any changes to the handbook. All of the legislation is available from the NSW Legislation website legislation.nsw.gov.au.

All councils in New South Wales have indicated they will enter into an arrangement with the Electoral Commissioner to conduct their elections, with the exception of:

- Fairfield City Council; and
- Penrith City Council.

Fairfield City and Penrith City councils have engaged an electoral services provider to administer their elections. Information in this handbook about candidate and group registrations, political donations, electoral expenditure, campaign accounts, record keeping and disclosures still applies, however, electoral participants will need to contact those councils or the Returning Officer for those elections about the administration of candidate nominations, registration of electoral material, polling places, voting and election results. There will be no elections for Balranald Shire Council, Central Coast Council or Central Darling Shire Council as they are currently under administration.

All forms and publications referred to in this handbook can be downloaded from the NSW Electoral Commission website elections.nsw.gov.au. Parties, candidates and scrutineers can also contact us on 1300 022 011. Detailed information, procedures and forms for the candidate and group registration process and election campaign finances can be found on the website at elections.nsw.gov.au/Funding-and-disclosure.

The Office of Local Government (OLG) has responsibility for local government across New South Wales. Information about local government legislation and policy regarding elections, finance, infrastructure, governance, performance, collaboration and community engagement is available from the OLG website olg.nsw.gov.au

Regulatory and procedural changes for local government elections

Notable changes since the 2016 and 2017 local government elections include:

- candidate nominations can now be accepted online, although submitting nominations at the returning officer's office also remains available – details can be found in Section 8: The nomination process
- the announcement of nominated candidates and the ballot paper draw conducted by the Returning Officer will now take place on the day after nominations close
- it is no longer mandatory to publish certain election notices in newspapers; these may be placed on the NSW Electoral Commission and council websites
- electoral material (how-to-vote material), registered for distribution on election day will also be displayed on elections.nsw.gov.au – details can be found in Section 15: Electoral material
- silent electors will now be issued ordinary votes rather than declaration votes
- the distribution of preferences count method for proportional representation elections (that is where two or more Councillors are to be elected) has been changed – details can be found in Section 18: Counting ballot papers
- a council elected at the elections may resolve to have vacancies that occur on the council in the 18 month period after the elections filled by a 'countback' of the ballot papers, instead of an attendance by-election. This does not apply to a vacancy in the office of Mayor – details can be found in Section 18: Counting ballot papers
- electoral expenditure in connection with a local government election campaign is now capped during the capped expenditure period for the election. Caps on electoral expenditure apply to parties, candidates, groups, and third-party campaigners. It is unlawful for a party, candidate, group, or third-party campaigner to incur electoral expenditure during the capped expenditure period for the election that is in excess of the applicable cap – details can be found in Section 12: Electoral expenditure
- the rules that determine who is responsible for the management and disclosure of political donations and electoral expenditure have changed. Candidates and groups are no longer permitted to have an official agent to manage and disclose political donations and electoral expenditure. Candidates are responsible for the management and disclosure of their political donations and electoral expenditure. The lead candidate of each group is responsible for the management and disclosure of the group's political donations and electoral expenditure – details can be found in Section 11: Political donations
- political donations must now be disclosed to the NSW Electoral Commission every six months rather than annually. It is still the case that electoral expenditure must be disclosed annually – details can be found in Section 14: Disclosing political donations and electoral expenditure
- disclosures of political donations and electoral expenditure are no longer required to be signed by a registered company auditor – details can be found in Section 14: Disclosing political donations and electoral expenditure
- there is a ban on cash donations over $100 – details can be found in Section 11: Political donations; and
- the NSW Electoral Commission must now publish on its website the registers of candidates, third-party campaigners and other electoral participants and the details of senior office holders of parties.

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Glossary

Term	Description
Absolute majority	A candidate for Mayor must have an absolute majority of formal votes in order to be elected. An absolute majority is 50 per cent + 1 of formal votes.
Above The Line	Councillor ballot papers with groups and group voting squares have a thick black line dividing the ballot paper. Group voting squares appear above the line on the ballot paper. An Above The Line vote is a vote where the elector has placed their preference(s) in a group voting square above the line.
Above The Line Duplicate above	Councillor ballot papers with groups and group voting squares have a thick black line dividing the ballot paper. Group voting squares appear above the line on the ballot paper. An Above The Line vote is a vote where the elector has placed their preference(s) in a group voting square above the line.
Applicable cap on electoral expenditure	Electoral expenditure incurred by candidates, groups and third-party campaigners is capped during the capped expenditure period of a local government election. There are different caps applicable to candidates, groups and third-party campaigners. The applicable cap for each local government area or ward is based on the number of enrolled electors in the area or ward.
Applicable cap on political donations	Political donations made to registered political parties, unregistered parties, elected members, groups, candidates, associated entities and third-party campaigners are subject to caps. There are different caps applicable to registered political parties, unregistered parties, elected members, groups, candidates, associated entities and third-party campaigners. The caps are adjusted for inflation each financial year.
Associated entity	A corporation or other entity that operates solely for the benefit of a party that is registered for state elections, a member of the NSW Parliament, or a Councillor or Mayor of a local council. Associated entities must be registered with the NSW Electoral Commission and their political donations and electoral expenditure are regulated under the Electoral Funding Act.
Australian Electoral Commission	The Australian Electoral Commission conducts federal elections and, in partnership with the Electoral Commissioner, maintains the electoral roll for state and local government elections (residential roll).
Authorised roll	A printed or electronic roll of electors for a council area or ward as at 6pm on the day the authorised roll closes. The closing date is the fortieth day preceding the election day. A person must be on the authorised roll to be eligible to nominate as a candidate. Copies of this roll are used in polling places.
Ballot paper draw	The process of randomly determining which order the candidates (and groups, if applicable) will appear on the ballot paper.
Below the line	Councillor ballot papers with groups and group voting squares have a thick black line dividing the ballot paper. Candidates in those groups appear below the line on the ballot paper. A Below The Line vote is a vote where the elector has placed their preferences against candidates below the line.
Campaign account	The account that is kept by a political party, candidate, group of candidates or third-party campaigner for political donations and electoral expenditure.

Term	Description
Candidate	Under the Local Government Act, a candidate is a person who is nominated for election as Mayor and/or Councillor. Under NSW electoral funding laws, a candidate also refers to: • a person registered as a candidate under the Electoral Funding Act for the purpose of accepting political donations or making payments for electoral expenditure. • An unregistered candidate. The rules that apply to the management and disclosure of political donations and electoral expenditure apply to a person who is not yet registered or nominated as a candidate for the election. It is important to note that being nominated as a candidate for the purposes of being included on a ballot paper is a separate process to being registered as a candidate for electoral funding purposes.
Candidate information sheet	The candidate information sheet is part of the nomination form and must be completed by all candidates. It is made publicly available on elections.nsw.gov.au and in polling places.
Candidate worker	See Party/candidate worker.
Capped expenditure period	The period prior to the election in which the electoral expenditure of parties, groups, candidates and third-party campaigners is capped. The period starts on 1 July and ends on election day.
Centralised count centre	Councillor ballot papers in some councils will be sent to a centralised count centre where they will be check counted (data entered) using computer software.
Centralised Postal Vote Count Centre (CPVCC)	All postal vote applications will be processed at the CPVCC. All returned postal votes will be processed at the CPVCC, including scrutiny of postal envelopes, extraction of ballot papers, initial count and check count.
Check count	A ‘check’ or ‘second’ count of all first preference votes conducted by the Returning Officer after election day. The results of the check count are considered to be the final count of first preference votes.
Constitutional referendum	Constitutional referendums are held to: • increase or decrease the number of Councillors • create or abolish wards • change the way in which the Mayor is elected (that is a popularly or Councillor elected Mayor) • change the method of electing Councillors in a council with wards. The result of a constitutional referendum is binding on the council. If the constitutional referendum is passed the result comes into effect at the next ordinary election.
Council area	See Local government area. Local government areas are also referred to as council areas.

Term	Description
Council poll	Council polls are run to provide information and guidance to a council on a particular issue such as in relation to proposed public works. The result of a council poll is not binding on the council. Voting is optional for council polls.
Councillor	Every council area has a number of elected Councillors. A successful candidate in a Councillor election will become a Councillor for that council area.
Declaration of the poll	An official declaration made by the Returning Officer in writing that sets out the result of each election held for that council area.
Declaration vote	Any vote that requires the voter to sign a declaration instead of being marked off the authorised roll. Ballot papers are enclosed in an envelope bearing the printed declaration signed by the voter. Includes postal, enrolment and other special vote categories.
Disclosure	The reporting of political donations and electoral expenditure of a party, elected member, candidate, group, third-party campaigner, associated entity or major political donor to the NSW Electoral Commission.
Distribution of preferences	The process of distributing ballot papers, either of an elected or excluded candidate as applicable, to the remaining candidates according to the subsequent preferences indicated on the ballot paper.
Divided council area	A local government area, also known as a council area, which is divided into wards.
Donor	A person who, or entity that, makes a political donation to a party, elected member, candidate, group or other person or entity such as a third-party campaigner or associated entity.
Elected member	A member of the NSW Parliament or a Councillor or Mayor of a local council.
Election	An election for the civic office of Councillor or for the office of Mayor when popularly elected by the electors in a council area.
Election day	The day when electors go to a polling place to vote. Sometimes referred to as polling day.
Election night	After 6pm on election day, when the polling places are closed.
Election official	A general term to refer to people appointed to assist with the functions of voting and counting at an election. It includes polling place managers, pre-poll managers, and staff working in the returning officer's office or centralised count centres.
Electoral Commission staff agency	The staff agency, headed by the Electoral Commissioner, that assists the Electoral Commission and Electoral Commissioner to exercise their functions.

Term	Description
Electoral Commissioner	The Electoral Commissioner is appointed under the *Electoral Act 2017* (the Electoral Act) and is a member of the NSW Electoral Commission, the independent statutory authority consisting of three members. The Commissioner is also the head of the staff agency referred to as the NSW Electoral Commission. Councils can enter into an arrangement with the Electoral Commissioner to administer their local government elections in accordance with the Local Government Act and Local Government (General) Regulation. Returning Officers and other election officials conduct local government elections on behalf of, and under the direction of, the Commissioner.
Electoral expenditure	Expenditure for or in connection with promoting or opposing, directly or indirectly, a party or the election of a candidate or candidates or for the purpose of influencing, directly or indirectly, the voting at an election. For a third-party campaigner, electoral expenditure is expenditure that has the dominant purpose of promoting or opposing, directly or indirectly, a party or the election of a candidate or candidates or for the purpose of influencing, directly or indirectly, the voting at an election.
Electoral Funding Act and Electoral Funding Regulation	The *Electoral Funding Act 2018* and the *Electoral Funding Regulation 2018* regulate the political donations and electoral expenditure of parties, elected members, candidates, groups, third-party campaigners and associated entities. The Electoral Funding Act and the Electoral Funding Regulation deal with: • the registration of electoral participants for the election • the disclosure of political donations and electoral expenditure, and • the rules for accepting donations and making payments for expenditure.
Electoral funding offence	An offence under the Electoral Funding Act or the Electoral Funding Regulation.
Electoral material	Any ‘how-to-vote’ card, poster, advertisement or anything else containing electoral matter.
Electoral matter	Generally, any matter capable of affecting the result of an election or capable of influencing an elector in casting a vote. Includes the name of a candidate or political party, or photograph, drawing or image of a candidate.
Electoral offence	An offence under the electoral provisions of the Local Government Act or the Local Government (General) Regulation.
Electoral participant	A party, elected member, candidate, group, third-party campaigner or associated entity
Endorsed	A candidate or elected member who has been selected to stand as a representative of a party.
Enrolled address	The address of the elector as appearing on the authorised or supplementary rolls.
Enrolment vote	An enrolment vote allows a person who is eligible to enrol, or who has moved from another area, to vote by providing proof of identity of their address and completing a declaration.

Term	Description
Exhausted ballot papers	In a distribution of preferences, a formal ballot paper that has no further formal preferences is considered 'exhausted'.
Formal vote	A ballot paper which has been marked in accordance with the voting directions on the ballot paper and counts towards the result of an election.
General manager	The general manager of the council.
Groups	Where there is more than one vacancy to be filled in a council area or ward, candidates for Councillor may request to form a group with other candidates on the ballot paper. To do this they must complete the appropriate forms at the time of nomination. Under NSW electoral funding laws a group also refers to: • two or more registered candidates who are registered as a group for the purposes of the group accepting political donations and making payments for electoral expenditure. • an unregistered group. The rules that apply to the management and disclosure of political donations and electoral expenditure apply to individuals not yet registered as a candidate or group. Unregistered candidates must not accept political donations or pay for electoral expenditure. It is important to note that the nomination process that includes nominated candidates requesting to form a group on the ballot paper is a separate process to the registration of a group for electoral funding purposes.
Group voting squares	Under certain circumstances councillor candidates who have formed groups may request a group voting square on the ballot paper. The group voting square appears above the line on the ballot paper and electors may choose to vote for the whole group by placing a preference in the group voting square.
How-to-vote card	A card, pamphlet, leaflet or notice that encourages an elector to vote for a particular candidate, party or group, often including a representation of a ballot paper.
Independent	A candidate or elected member who is not endorsed by a registered political party.
Informal	A ballot paper that has not been completed according to the voting directions on the ballot paper, and cannot be saved as a formal vote by the formality provisions in the legislation.
Initial count	This is the first count of all first preference votes, conducted at polling places on election night and at the Returning Officer's office from election night onwards for all other venue/vote types. This count is indicative only and is not part of the formal count process.
Local Government Act and Local Government (General) Regulation	The *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Term	Description
Local government area	Also referred to as a council area. New South Wales is divided into local government areas. Every local government area has a council. Elected representatives, known as Councillors, form the governing body of a council.
Major political donor	A person who, or entity that, makes a reportable political donation (a political donation of $1,000 or more, either as a single donation or multiple donations made by the same donor to the same recipient in one financial year that in aggregate are valued at $1,000 or more).
Mayor	Every council has a Mayor. Some Mayors are elected from and by the elected Councillors. Some Mayors are elected by the electors in that council area – this is known as a popularly elected Mayor.
Multi-council polling place	In some instances, polling places that are located on or near the boundary between two or more council areas may issue votes for more than one council area. These are known as multi-council polling places.
Multi-ward polling place	In some instances, polling places that are located on or near the boundary between two or more wards in a council area may issue votes for all those wards. These are known as multi-ward polling places.
Nomination	The process by which a person applies to become a candidate for election, to have their name appear on the ballot paper.
Nomination Online Management System	A web based application on the NSW Electoral Commission website that allows candidates to complete their nomination forms, form groups, pay the nomination deposit and lodge online.
Non-residential roll	The non-residential roll is prepared in advance of each election by the general manager of the council and is made up of two parts: the roll of non-residential owners and the roll of occupiers and ratepaying lessees who have applied to be on the roll for the election. Note: the exception being the City of Sydney Council where the General Manager may also deem a rate payer onto the roll, with requiring an application
NSW Electoral Commission	The independent statutory authority constituted under the Electoral Act consisting of three members, including the Electoral Commissioner, which regulates and enforces electoral laws, including the political donation and electoral expenditure disclosure and public funding schemes under the electoral funding laws. NSW Electoral Commission also refers to the staff agency, headed by the Electoral Commissioner, that assists the Electoral Commission and Electoral Commissioner to exercise their functions.
Ordinary election	An ordinary election is a state wide election for all Councils held at the expiry at the incumbents term of office.
Ordinary vote	When a ballot paper is issued to an elector after marking their name off the authorised roll and the elector places the completed ballot paper directly into a ballot box, this is known as an ordinary vote, as distinct from a declaration vote.

Term	Description
Party	A body or organisation, incorporated or unincorporated, having as one of its objects or activities the promotion of the election to the NSW Parliament or a local council of a candidate or candidates endorsed by it. A party includes a registered political party and an unregistered political party.
Party agent	A person who is responsible for the disclosure of political donations and electoral expenditure of a party. A party includes a registered political party and an unregistered political party.
Party/candidate worker	A person who assists political parties or candidates by handing out how-to-vote cards. Unlike scrutineers, a party/candidate worker has no official status.
Political donation	a) a gift made to or for the benefit of a party or a group of candidates, or b) a gift made to or for the benefit of an elected member, the whole or part of which was used or is intended to be used by the elected member: (i) solely or substantially for a purpose related to an election or to the elected member's duties as an elected member, or (ii) to enable the elected member to make, directly or indirectly, a political donation or to incur electoral expenditure, or (iii) to reimburse the elected member for making, directly or indirectly, a political donation or incurring electoral expenditure, or c) a gift made to or for the benefit of a candidate, the whole or part of which was used or is intended to be used by the candidate: (i) solely or substantially for a purpose related to an election, or (ii) to enable the candidate to make, directly or indirectly, a political donation or to incur electoral expenditure, or (iii) to reimburse the candidate for making, directly or indirectly, a political donation or incurring electoral expenditure, or d) a gift made to or for the benefit of an entity or other person (not being a party, elected member, group or candidate), the whole or part of which was used or is intended to be used by the entity or person: (i) to enable the entity or person to make, directly or indirectly, a political donation or to incur electoral expenditure, or (ii) to reimburse the entity or person for making, directly or indirectly, a political donation or incurring electoral expenditure This includes payments at fundraising events, annual or other subscriptions paid to a party, dispositions of property between parties or branches of a party, and uncharged loan interest.
Polling place	A building such as a school or community hall that has been appointed as a place to which voters go on election day to cast their votes.
Polling place manager	An election official appointed by the Returning Officer to setup and manage a polling place on election day.
Postal vote	Electors who are unable to attend polling places during polling hours on election day may vote by post. Electors must apply for a postal vote and they must be eligible to vote as a postal voter.

Term	Description
Postal vote application	Electors wishing to postal vote must complete a postal vote application, unless they are a registered general postal voter in which case they will automatically receive a postal ballot paper.
Postal vote certificate envelope	Electors who have successfully applied for a postal vote are sent ballot papers and a postal vote certificate envelope which they must complete and sign and send back to the Returning Officer with the ballot papers enclosed.
Preferences	The numbers written by the elector in the square next to a candidate's name or group on the ballot paper are called preferences. The number '1' is the first preference; number '2' is the second preference and so on.
Pre-poll vote	A vote issued to a pre-poll voter voting within their enrolled council area.
Pre-poll voting	Eligible electors can vote before election day at a pre-poll voting centre within their enrolled council area.
Pre-poll voting centre	A location appointed where electors may cast a pre-poll vote prior to election day.
Quota	In a proportional representation count (that is, two or more Councillors to be elected), candidates are elected when they have received a 'quota' of formal votes. A quota is calculated by dividing the number of formal votes by one more than the number of candidates to be elected, disregarding the fraction and then adding 1, that is (number of formal votes ÷ candidates to be elected + 1) + 1.
Ratepaying lessee	A person is a ratepaying lessee of rateable land if the person is jointly or severally liable, under a lease in writing or other document of title relating to the land, to pay to any person the whole or any part of any rates that may, during the 3 years from the close of rolls, be made or levied in respect of the land.
Recount	If requested by a candidate, and approved by the Electoral Commissioner, a recount of votes may be conducted to confirm the original result. Recounts can also be ordered by the Electoral Commissioner.
Registration	The process by which an individual applies to the NSW Electoral Commission to be registered under the Electoral Funding Act as a candidate for an election. The process by which registered candidates apply to be registered under the Electoral Funding Act as a group of candidates for an election. Prior to being nominated as a candidate or group a candidate or group must be registered before accepting political donations or paying for electoral expenditure for the election. Candidates and groups are nominated for an election on the day after close of nominations.
Registered electoral material	Electoral material including how-to-vote cards registered by the Electoral Commissioner for distribution on election day. Only registered electoral material can be distributed on election day. In order to be registered it must satisfy certain requirements.

Term	Description
Registered general postal voter	Electors who meet certain legislative requirements can apply to become a registered general postal voter with the Australian Electoral Commission. Registered general postal voters will receive their postal ballot papers automatically without having to apply.
Registered political party	A party registered under the Local Government Act.
Regulated election period	The period from the 40th day prior to election day and ending 6pm election day in which certain campaigning activities are regulated.
Residential roll	Roll of all electors enrolled for a council area as at the close of rolls (40 days prior to election day).
Returning Officer	An official appointed by the Electoral Commissioner to conduct an election for one or more council areas, on behalf of, and under the direction of the Electoral Commissioner.
Security seals	Numbered security seals are applied to secure used and unused ballot papers at all election locations. A record of each used security seal number is kept by election officials.
Scrutineer	A person appointed by a candidate in writing to witness electoral procedures on behalf of the candidate.
Scrutiny	The check of declaration envelopes to ensure compliance before the vote is admitted to the count. Also the process of checking ballot papers for formality.
Statistical information sheet	Every nomination form includes a statistical information sheet that must be completed by each candidate.
Silent elector	An elector whose address does not appear on the authorised roll for reasons of personal safety.
Spoilt ballot papers	Electors who make a mistake when completing a ballot paper may return the 'spoilt' ballot paper and receive a replacement.
Third-party campaigner	A third-party campaigner is a person who, or entity that, incurs more than $2,000 in electoral expenditure for a local government election, during the capped expenditure period for the election. A third-party campaigner does not include an associated entity, party, elected member, group or candidate.
Uncontested election	An election is uncontested if after the nomination of the candidates by the Returning Officer, the number of nominations for a position is equal to or less than the number to be elected.
Undivided council area	A local government council area that is not divided into wards
Ward	Some council areas are divided into smaller areas that are called wards. Each ward elects a number of Councillors to represent that ward.

Section 1: General information

1.1 Returning officer

The Electoral Commissioner appoints a Returning Officer for each council area where the Commissioner is conducting the election.

The Returning Officer conducts an election, constitutional referendum or council poll on behalf of, and under the direction of the Electoral Commissioner.

Certain council areas may share a Returning Officer and those councils may be grouped into 'regions' for that purpose only. The councils in each region will share the Returning Officer and office infrastructure.

The list of councils and regional groupings (if applicable) will be available on elections.nsw.gov.au.

1.2 Returning officer's office

Returning Officers set up an office that is open to the public approximately six weeks before the election.

Details of each returning officer's office address and office hours will be available from the NSW Electoral Commission website or by contacting us.

1.3 NSW Electoral Commission website

The NSW Electoral Commission website elections.nsw.gov.au contains relevant information such as key election dates, general information regarding the elections, election campaign finance requirements, enrolment information, details of registered political parties, forms, the nominations online management system, candidate details following the close of nominations, pre-poll and postal voting details, polling place locations and election results.

1.4 Candidate enquiries

A candidate or party that has an enquiry about the processes for the nomination of candidates, the registration of electoral material, voting or counting information can call 1300 022 011 between 9am and 5pm weekdays and during the weekend of the election or email candidates@elections.nsw.gov.au

A candidate or party that has an enquiry about: the registration of candidates and groups for the election, the rules that apply to political donations and electoral expenditure and making disclosures can call 1300 022 011 between 9am and 5pm weekdays or email fdc@elections.nsw.gov.au

1.5 Election calendar

The election calendar containing key dates will be available from the NSW Electoral Commission website elections.nsw.gov.au .

1.6 Elector Enquiry Centre

An elector enquiry centre is established for electors who have questions about voting and other election processes. The Elector Enquiry Centre number is 1300 135 736.

This phone number will appear in election advertising undertaken by the Electoral Commissioner.

Section 2: Election calendar

The Minister for Local Government made an Order on Saturday, 24 July 2021 postponing the Local Government elections until Saturday, 4 December 2021.

The election calendar is available on the NSW Electoral Commission website elections.gov.au

Section 3: Electoral rolls

It is compulsory for Australian citizens living in New South Wales aged 18 years and over to be enrolled and vote at local government elections.

A person can only be enrolled once in a particular council area.

3.1 The roll of electors

The roll of electors for each council area or ward is a composite roll, comprising:

- the residential roll
- the roll of non-resident owners of rateable land, and
- the roll of occupiers and ratepaying lessees.

3.2 The residential roll

The residential rolls for NSW local government elections are maintained by the NSW Electoral Commission with the assistance of the Australian Electoral Commission. A residential roll for each council area or ward will be prepared for the elections.

Voting is compulsory for all electors on a residential roll.

3.3 The roll of non-residential electors and the roll of occupiers and ratepaying lessees

The General Manager of each council receives applications for and prepares the roll of non-resident owners of rateable land and roll of occupiers and ratepaying lessees. Electors can enrol in more than one council area if they meet the criteria for inclusion on a roll of non-resident owners of rateable land or roll of occupiers and ratepaying lessees, but can only vote once within a council area. The enrolment qualifications for the roll of non-resident owners of rateable land and roll of occupiers and ratepaying lessees can be found at elections.nsw.gov.au.

Voting is compulsory for electors in the City of Sydney Council on the roll of non-resident owners of rateable land or roll of occupiers and ratepaying lessees.

Voting is optional for electors on the roll of non-resident owners of rateable land and roll of occupiers and ratepaying lessees in all other council areas and wards.

The roll of non-resident owners of rateable land and roll of occupiers and ratepaying lessees lapse after each election and the General Manager of a council is to prepare a new roll of non-resident owners of rateable land and roll of occupiers and ratepaying lessees for the next election and keep it updated.

Any enquiries regarding properties and entitlements for the roll of non-resident owners of rateable land and roll of occupiers and ratepaying lessees should be directed to the relevant council.

3.4 Close of rolls

The residential roll, roll of non-resident owners of rateable land and roll of occupiers and ratepaying lessees close at 6pm on the day of the close of rolls (ie 6pm on the 40th day prior to election day). Candidates must be enrolled prior to the close of rolls to be eligible to nominate for election.

3.5 Copy of the list of electors to candidates

Candidates are entitled to a copy of the list of electors for the ward or council they are contesting. The list will be provided in electronic form and will contain the particulars of electors entitled to vote in the ward or council the candidate is contesting. Candidates can request a list of electors by completing the form **Candidate request for electronic list of electors LG.220** and submitting to enrolmentsupport@elections.nsw.gov.au. The form can be obtained from the Returning Officer or the, NSW Electoral Commission website elections.nsw.gov.au/forms or by contacting the candidate call centre.

The list of electors will only be made available once a person has been declared a candidate by the returning officer. This declaration takes place on the day after the close of nominations as part of the ballot paper draw process. It is important to note that it is an offence to use information in the list of electors for any purpose other than in connection with the election and that significant penalties apply.

Section 4: Council areas and elections

4.1 Mayoral election

Certain councils have a Mayor 'popularly elected' by all the electors in the area for a four year term. That election is held at the same time as the election of Councillors.

Candidates should refer to elections.nsw.gov.au for those councils holding mayoral elections.

Where the Mayor is not popularly elected, they are elected by and from the elected Councillors for a two year term. The NSW Electoral Commission is not involved in those elections.

4.2 Councillor election

Council areas are either divided into wards or are undivided (no wards). The number of Councillors elected varies from council to council.

Where councils have wards, an equal number of Councillors are elected for each ward.

The election of a popularly elected Mayor and the election of Councillors are conducted concurrently, but separately. If for example a council has a total of 10 Councillors, and the Mayor is popularly elected, it would have an election for nine Councillors and an election for a Mayor. Where a council has a popularly elected Mayor a person cannot be elected to both offices (that is, Mayor and Councillor) in the same council area.

Section 5: Constitutional referendums and council polls

5.1 Constitutional referendums

A council may resolve to conduct a constitutional referendum on any of the following issues:

- determine whether or not the Mayor is to be popularly elected
- increase or reduce the number of Councillors
- divide the council area into wards or abolish all wards, and
- change the method of election of Councillors for an area divided into wards.

A constitutional referendum is decided by a majority of the formal votes.

Voting in a constitutional referendum is compulsory for all electors on the roll and the result is binding on the council.

If the constitutional referendum is passed, the result takes effect at the next council general election.

5.2 Council polls

A council may resolve to conduct a council poll on any issue for its guidance, for example:

- the introduction of fluoride into drinking water; or
- constructing a roundabout in the main street.

A council poll is decided by a majority of the formal votes.

The council may determine that a council poll be held in only a specific part of the council area, for example, in one ward or a particular group of streets and, as such, not all electors may be eligible to vote in a poll.

Voting in a council poll is not compulsory for electors on the roll and the result is not binding on the council.

The NSW Electoral Commission website elections.nsw.gov.au will include details of those councils holding a constitutional referendum or council poll.

Section 6: Eligibility requirements for candidates

6.1 Candidate for councillor in an undivided council area

To be eligible for election as a Councillor in an area that does not have wards, a person must be enrolled either on the residential roll or the non-residential roll/roll of occupiers and ratepaying lessees in that council area by 6pm on the day of the close of rolls.

6.2 Candidate for councillor in a council area with wards

Where a council has wards, a candidate for election as Councillor must be enrolled in that council area, (but not necessarily in the ward in which they are nominating as a candidate) either on the residential roll or the non-resident roll/roll of occupiers and ratepaying lessees by 6pm on the day of the close of rolls. For example, a person may be enrolled in 'B' ward of the council area but may decide to nominate as a candidate in 'C' ward.

A person cannot be a candidate for Councillor in more than one ward in a council area. A person can nominate for more than one ward in the same council area but must withdraw all but one Councillor nomination before the close of nominations at 12noon, nomination day, otherwise all their nominations for Councillor in that council area will be rejected.

A person may, if eligible, be a candidate for Councillor in more than one council area and can be elected as a Councillor in more than one council area.

6.3 Candidate for 'popularly elected' mayor

To be eligible for election as a Mayor in a council area, a person must be enrolled either on the residential roll or the non-residential roll/roll of occupiers and ratepaying lessees in that council area by 6pm on the day of the close of rolls**.**

A person may be a candidate for Mayor and Councillor, but cannot be elected to both offices. If elected as Mayor (the mayoral election is counted and declared first) the person must accept that office and cannot be elected as a Councillor. However, the preferences on each councillor ballot paper for the candidate elected as Mayor are not disregarded.

The first preferences on the councillor ballot paper for the person elected as Mayor are reallocated at the commencement of the councillor count to the candidate who has the number 2 preference on those ballot papers. Throughout the distribution of preferences those ballot papers are distributed according to the next preference on those ballot papers to continuing candidates in the count.

In the City of Sydney, a candidate for Lord Mayor must also nominate as a candidate for Councillor. If elected as Lord Mayor the person must accept that office and cannot be elected as a Councillor.

A person may, if eligible, be a candidate for Mayor in more than one council area where the Mayor is popularly elected, and can be elected as Mayor in more than one council area.

6.4 Disqualification from holding civic office

A candidate for Mayor or Councillor must be qualified to hold that office in order to be nominated for election.

Section 275 of the Local Government Act lists a number of circumstances which disqualify a person from holding for civic office, that is, from being a Mayor or Councillor. Details of these circumstances are set out in the nomination form and should be carefully noted by prospective candidates. Section 276 of the Local Government Act states that a person who is disqualified from holding civic office may not be elected to a civic office.

It is not the role of the NSW Electoral Commission, the Electoral Commissioner or the Returning Officer, to determine whether or not a candidate is subject to any of these disqualifications. If a person has any doubt about their eligibility to hold civic office they should seek their own legal advice.

A person elected to civic office can be dismissed if it is subsequently determined that the person was disqualified from holding civic office. An application for dismissal is made to the NSW Civil and Administrative Tribunal and can be made by any person.

Section 7: Registration of candidates and groups

Candidates and groups of candidates for a local government election must be registered for the election with the NSW Electoral Commission for the purpose of lawfully accepting political donations and incurring electoral expenditure.

This registration process is separate to the process for a person being nominated as a candidate for the election to have their name included on the ballot paper.

This section provides an overview of what candidates and groups of candidates should understand about registration and how to register for the election.

When you become a candidate it is your responsibility to understand the requirements for political donations and electoral expenditure. Unless otherwise notified in writing by the NSW Electoral Commission and/or by the party agent of a registered party, a candidate, including a candidate who is a member of a group, is responsible for the management and disclosure of their political donations and electoral expenditure and the lead candidate of a group is responsible for the management and disclosure of the group's political donations and electoral expenditure.

More information about the rules for determining who is responsible for the management and disclosure of political donations and electoral expenditure can be found in Section 11: Political donations.

Registration as a candidate by the NSW Electoral Commission does not mean that a person is eligible to be nominated as a candidate for an election. As noted, registration as a candidate or group is for the purposes of the candidate or group accepting political donations or making payments for electoral expenditure. Being nominated as a candidate is a separate process, the purpose of which is to have your included on the ballot paper.

The nomination process is described in Section 6: Eligibility requirements for candidates and Section 8: The nomination process.

7.1 What is registration?

Registration means being registered under the Electoral Funding Act as a candidate or group with the NSW Electoral Commission for a State or Local Government election and having your registered details included on a register.

The NSW Electoral Commission publishes a copy of registers required under the Electoral Funding Act on the NSW Electoral Commission website at elections.nsw.gov.au/Funding-and-disclosure/public-register-and-lists.

A candidate, or group of candidates, must be registered with the NSW Electoral Commission for an election before accepting political donations or making payments for electoral expenditure. It is unlawful for unregistered candidates and groups to accept political donations or make payments for electoral expenditure before being nominated for the election. A candidate or group is nominated for the election when the Returning Officer announces names of the nominated candidates after nominations close. This is usually the day after the close of nominations.

7.2 How to register

Candidates, and groups of candidates, are responsible for their own registration. To register for the NSW Local Government elections the candidate or group members must complete and lodge the relevant application for registration form.

Registration for the election is open now. Forms are available on the website at elections.nsw.gov.au/Registration-forms.

Current Councillors and Mayors are not required to be registered for the election prior to accepting political donations or making payments for electoral expenditure.

Registration forms are to be lodged by a candidate or group directly with the NSW Electoral Commission head office before accepting political donations or making payments for electoral expenditure. The deadline for submitting an application for registration is the day of the close of nominations.

On the day the Returning Officer announces the names of the nominated candidates all nominated candidates and groups are taken to be registered for electoral funding purposes. From this time, all nominated candidates and groups can lawfully accept political donations and make payments for electorate expenditure for the election.

The registered details of groups and candidates are included in the Register of Candidates, a copy of which is published at elections.nsw.gov.au/Funding-and-disclosure/public-register-and-lists/Register-of-Candidates. A copy of the register is also available for inspection by appointment at the NSW Electoral Commission's Sydney office. The copy of the register on the website excludes address of all candidates and the copy of the register made available for inspection excludes address of each candidate who is a silent elector. If a candidate becomes a silent elector at any time after registration the candidate should notify the NSW Electoral Commission to ensure the address provided at the time of registration is not made publicly available.

7.3 Registration of a group of candidates

The registration of a group of candidates is separate to the registration of the candidates who are members of the group, however the same form can be used to apply to register the group and each candidate who is a member of the group.

To register a group, and each candidate who is a member of the group, use the **Application for Registration as a Group of Local Government Candidates EF.732** form. This form is used to:

- register each candidate in the group and
- register the group

for electoral funding purposes.

The registration form may be submitted at any time, as long as it is validly lodged with the NSW Electoral Commission by the deadline which is the day for the close of nominations. It may be emailed, posted or faxed to the NSW Electoral Commission's head office. Registration forms cannot be lodged with the Returning Officer. Contact details are provided on the form.

A group of candidates, and the candidates who are members of that group, are registered once the NSW Electoral Commission has received and processed a validly lodged registration form. It is unlawful for the group to accept political donations or pay for electoral expenditure until registered, or until the day the Returning Officer announces the names of the nominated candidates.

7.4 Registration of a candidate

To register as a candidate who is not a member of a group, or as a candidate who is joining a registered group, on or before the day nominations close, use the **Application for Registration of a Local Government Candidate EF.729** form. This form is used to register the candidate for electoral funding purposes.

The registration form may be submitted at any time, as long as it is validly lodged with the NSW Electoral Commission by the deadline which is the day for the close of nominations. It may be emailed, posted or faxed to the NSW Electoral Commission's head office. Registration forms cannot be lodged with a Returning Officer. Contact details are provided on the form.

A candidate is registered once the NSW Electoral Commission has received and processed a validly lodged registration form. It is unlawful for the candidate to accept political donations or pay for electoral expenditure until registered, or until the day the Returning Officer announces the names of the nominated candidates.

7.5 Refusal to register a candidate or group

The NSW Electoral Commission may refuse to register a candidate or group of candidates if:

- information provided in an application for registration is incomplete or incorrect, or
- the name of the group is obscene or offensive.

7.6 Cancellation of a candidate or group's registration

The NSW Electoral Commission will cancel the registration of a candidate or group if requested by the candidate or group.

7.7 Updating the registered details of a candidate or group

Candidates and groups must notify the NSW Electoral Commission of any changes to the details stated on the register within 30 days of the change occurring.

To notify the NSW Electoral Commission use the **Notice of change in registered particulars EF.740** form and then email, post or fax it to the NSW Electoral Commission. Contact details are provided on the form.

The NSW Electoral Commission will make changes to registered details of a candidate or group upon receipt of the form.

7.8 Registration of third-party campaigners

A third-party campaigner is an individual who, or entity that, campaigns for a local government election in New South Wales but does not stand as a candidate, is not a political party, associated entity or an elected member.

A third-party campaigner is legally recognised once registered, or if not registered, once the individual or entity incurs more than $2,000 in electoral expenditure during the capped expenditure period for a local government election.

The capped expenditure period for the NSW Local Government elections starts on 1 July and ends on election day.

Third-party campaigners must be registered with the NSW Electoral Commission for an election prior to incurring more than $2,000 in electoral expenditure during the capped expenditure period.

More information about the obligations and requirements for third-party campaigners can be found at elections.nsw.gov.au/Funding-and-disclosure/public-register-and-lists/Register-of-Candidates.

Section 8: The nomination process

In order to nominate as a candidate, and to have their name appear on the ballot paper for the election, prospective candidates must lodge their nomination form and nomination deposit during the nomination period from the close of rolls to 12noon on nomination day.

It is the candidate's responsibility to ensure a fully and correctly completed nomination and the relevant nomination deposit is received by this time.

To assist prospective candidates and groups to nominate, the NSW Electoral Commission has developed an online application, the Nominations Online Management System, allowing candidates and groups to complete and lodge nomination forms and pay their nomination deposit online. The Nominations Online Management System will be accessible on the NSW Electoral Commission website from a date that is to be confirmed.

If a person chooses not to use the Nominations Online Management System, paper nomination forms will be available from the NSW Electoral Commission website, from the Returning Officer, or by contacting us.

If using a paper nomination form; that form, a candidate information sheet and the nomination deposit must be received by the Returning Officer for the council for which the nomination is made. Where a returning officers' office is not situated within a council area, nominations will also be accepted at the council's office.

8.1 Nomination by a registered political party

The Registered Officer or Deputy Registered Officer for a registered political party in the Local Government Register of Political Parties can nominate a candidate for Mayor or Councillor provided the party has been registered with the NSW Electoral Commission for 12 months prior to the close of rolls date for the election (in example, by 6pm on the 40th day prior to election day).

Candidates being nominated by a registered political party should use the form **Nomination for Mayor or Councillor – Registered Political Party nomination LG.202**. The registered political party may choose to have either the full or abbreviated party name printed below the candidate's name on the ballot paper.

If using the Nomination Online Management System, the system will produce the nomination form.

8.2 Nomination by electors

A person can be nominated by electors in the following manner:

- Mayor – by at least two electors enrolled in the council area
- Councillor – where the council area is undivided (no wards) by at least two electors enrolled in the council area, or
- Councillor – where there are wards, by at least two electors enrolled in the ward the candidate is contesting.

Candidates to be nominated by two electors should use the form **Nomination form for Mayor or Councillor – Nomination by 2 electors LG.203**.

If using the Nomination Online Management System, the system will produce the nomination form.

Candidates for Mayor or Councillor should ensure that their nominators are enrolled for the council area or ward, as applicable. Nominators must be enrolled by 6pm on the day of the close of rolls.

If nominating online, the Nomination Online Management System will automatically check the enrolment status of both the candidate and their nominators. Nominators can also check their enrolment status on the NSW Electoral Commission website.

As it is possible that some nominators may not be correctly enrolled it is strongly recommended that candidates obtain more than two people as nominators.

A person cannot nominate more candidates for Councillor than the number to be elected in a council area or ward, for example, if three candidates are to be elected in a ward, a person can only nominate three candidates for that ward.

For the office of Mayor a person cannot nominate more than one candidate.

A person can nominate a candidate for Councillor and the same candidate for Mayor.

A person cannot nominate themselves in any election.

The above restrictions do not apply to the Registered Officer or Deputy Registered Officer of a registered political party.

8.3 Nomination deposit

Each nomination for Mayor or Councillor must be accompanied by the correct nomination deposit.

When the nomination is lodged through the Nomination Online Management System the nomination deposit must be paid online by Visa or Mastercard.

If using a paper nomination form, the nomination deposit must be paid in cash, by bank cheque or credit union or building society cheque made out to the NSW Electoral Commission.

Personal cheques, Visa, Mastercard and BPay will not be accepted when lodging a paper nomination form.

A nomination will be rejected if the correct deposit has not been received in full by 12noon on nomination day.

The nomination deposit is $125 for each candidate, however, where candidates for Councillor lodge a **Request to form a group LG.204** at the same time as the nomination forms, and that group comprises six or more candidates, the nomination deposit is capped at $625 for the group. Any candidates that are subsequently added to the group are required to pay a $125 nomination deposit.

In the instance of grouped councillor candidates, the nomination deposit is linked to individual candidates rather than to a group.

The nomination deposit will be returned to the person who made the deposit one month after the declaration of election results:

- if the election is uncontested, or
- if the candidate dies before election day, or
- if the candidate withdraws his/her nomination, or
- if the candidate is elected or receives at least four per cent of the total number of formal first preference votes cast at the election, or
- if the candidate is included in a group for the councillor election, any one of the group is elected or receives at least four per cent of the total number of formal first preference votes.

Any deposit not refunded is forfeited to the council.

8.4 How to lodge nomination forms

Nomination forms and deposit can only be lodged during the period from the day of the close of rolls to 12noon on nomination day.

Candidates should ensure the following are lodged prior to the close of nominations:

- **Nomination forms LG.202 or LG.203** (as applicable), including the correctly completed candidate information sheet and statistical information sheet
- The nomination deposit, and
- **Request to form a group LG.204** (for Councillor if applicable).

Completed nomination forms and nomination deposits can be lodged by either of the following methods:

- through the NSW Electoral Commission's nomination online management system which can be accessed via the NSW Electoral Commission website or
- paper forms to the Returning Officer for the council for which the nomination is made. Returning officer's contact details will be available on the NSW Electoral Commission website or by calling the candidate call centre on 1300 022 011.

Lodged nomination forms are not valid unless they are signed by the candidate, the Registered Officer (or Deputy Registered Officer), as applicable, or an image of the applicable signatures appears on the nomination forms.

It is strongly recommended that any potential candidate who lodges their nomination calls the candidate call centre on 1300 022 011 to confirm the nomination has been received.

The onus is on the candidate to ensure all applicable nomination forms and the nomination deposit are lodged by 12noon on nomination day.

Any nomination forms or deposits received after 12noon on nomination day will not be accepted.

8.5 Defective nomination forms

When a nomination is lodged, an election official will check the form(s) to ensure it has been fully completed. This includes ensuring that:

- the candidate appears on the roll of electors for the council area being contested at the close of the rolls
- the address on the nomination form matches the candidate's enrolled address
- if the candidate is nominated by a registered political party, the details and signature of the Registered Officer (or Deputy Registered Officer) are correct
- if the candidate is nominated by two electors, the nominators are enrolled in the relevant council area or ward at the close of rolls and a nominator has not nominated more than the number of candidates to be elected for the council or ward
- the nomination form is complete in all other respects, and
- the nomination deposit has been paid.

If the nomination papers are lodged in person the candidate (or their representative) should remain at the returning officer's office or council office, as applicable, until all checks have been made.

If the nomination is ultimately found to be defective, the candidate or their representative or the Registered Officer (or Deputy Registered Officer) as appropriate, will be informed. It is their responsibility to rectify and re-lodge any defective nomination by 12noon, nomination day.

It is recommended that all nominations are lodged as early as possible so that any defects, which may be found during the checking process, can be fixed in time. If compliance with the necessary requirements has not occurred by 12noon nomination day, the nomination will be rejected.

Once a nomination form has been lodged with the Returning Officer, a candidate can only amend details on the nomination form prior to 12noon, nomination day. Amendments to the following details on a nomination form will only be accepted by the candidate completing the **Amendment to a nomination form LG.232**:

- Candidate contact details (candidates who lodged online can amend their contact details through the Nomination Online Management system)
- ballot paper given name, or
- I do/I do not want 'Independent' printed on the ballot paper next to my name.

8.6 List of candidates

Nomination forms are not available for public inspection, other than the candidate information sheet that accompanies a nomination.

Certain details are required to be displayed on the NSW Electoral Commission website. These are:

- each candidate's full name
- each candidate's names as they will appear on the ballot paper, and
- the suburb, town or other locality of the candidate's place of residence as enrolled (including silent electors).

Candidates' contact details will only be displayed on the NSW Electoral Commission website or released to the media if candidates have given their consent on the nomination form.

8.7 Candidate information sheet

Candidates for Mayor or Councillor are required to lodge a Candidate Information Sheet (CIS) as part of the nomination form.

If the completed Candidate Information Sheet has not been received by the Returning Officer by 12noon nomination day, the Returning Officer will reject the candidate's nomination.

The Candidate Information Sheet must:

- be written or typed on the form supplied without further pages or attachments
- be signed by the candidate
- as a minimum requirement, contain the candidate's full name
- indicate the suburb/town/locality of the candidate's enrolled address
- indicate whether the candidate is a member of a registered political party and, if so, indicate the name of the party(s)
- indicate whether the candidate is qualified to hold the civic office concerned by virtue of being enrolled on:
  - the residential roll for the ward or council concerned, or
  - the non-residential roll for the ward or council concerned, or
  - the roll of occupiers and ratepaying lessees for the ward or council concerned and
- indicate whether the candidate is a property developer (within the meaning of Division 7 of Part 3 of the Election Funding Act) 'property developer' within the meaning of the Act includes a person who is a close associate of a property developer.
- be witnessed and signed by an authorised person under the *Oaths Act 1900* such as:
  - a Justice of the Peace
  - a notary public
  - a solicitor or barrister with a current New South Wales or interstate practising certificate
  - a commissioner of the court for taking oaths, or
  - other person authorised by a NSW law to administer an oath.
  - a person before whom a statutory declaration may be made under Commonwealth law. The full list of approved witnesses under Commonwealth law is available at the Commonwealth Attorney-General's Department website.

The candidate information sheet may contain other information, such as date of birth, occupation, qualifications, statements of policy or beliefs and any other relevant information.

The Local Government Act contains provisions which make it an offence to provide false or misleading information. However, neither the Returning Officer nor the NSW Electoral Commission has a role to play in determining whether or not any claims or statements made in a candidate information sheet are factual.

Witnessing legal documents remotely

A statutory declaration can be remotely witnessed by an audio visual link that enables real time and continuous audio and visual communication between the person making the declaration and the authorised witness. This includes apps such as FaceTime, Skype, Teams, WhatsApp and Zoom.

Requirements for the witnessing of the statutory declaration such as seeing the face of the person and confirming their identity can be satisfied during the audio visual link.

Certain conditions must be met, including that the authorised witness must:

- observe the person sign the statutory declaration in real time – for instance, it may be necessary to adjust the camera so the witness can see the person and the document being signed
- witness the declaration they observed being signed, either by
  - signing a copy of the declaration in the Candidate Information Sheet signed by the person and then sent electronically to the witness, or
  - signing a counterpart, i.e. an exact copy of the Candidate Information Sheet the witness observed the person sign
- state the method used to witness the declaration and that it was witnessed over audio visual link in accordance with these measures, e.g. "This document was signed [in counterpart] and witnessed over audio visual link in accordance with section 14G of the Electronic Transactions Act" [deleting 'in counterpart' if not applicable]
- be reasonably satisfied the declaration they sign is the same Candidate Information Sheet, or a counterpart copy, that they observed the person sign
- complete this process as soon as practicable after having witnessed the statutory declaration

Published online and in the returning officers office

The NSW Electoral Commission is required to publish the content of the candidate information sheet on the NSW Electoral Commission website and to make it available for inspection at the returning officer's office and polling places.

The Candidate Information Sheet will be displayed as it is provided to the Returning Officer. Grammar, misspellings and punctuation will not be corrected; however material considered inappropriate such as offensive or obscene language, may be edited. All information must be restricted to the space provided. Attachments will not be accepted.

8.8 Statistical information sheet

Candidates for Mayor or Councillor are required to lodge a statistical information sheet as part of the nomination form. The statistical information sheet captures generic information such as sex, occupation, age and more.

If the completed statistical information sheet has not been received by the Returning Officer by 12noon, nomination day, the Returning Officer will reject the candidate's nomination.

The statistical information sheet will be forwarded by the NSW Electoral Commission to the Office of Local Government at the completion of the election.

8.9 Withdrawal of a nomination (see also "Withdrawal of a request to form a group")

Candidates can withdraw their nomination by providing a signed notice to the Returning Officer before the close of nominations at 12noon, nomination day. The **Withdrawal of a candidate LG.231** form is required to be completed, signed by the candidate and lodged with the Returning Officer. The form can be faxed or emailed to the Returning Officer, but if emailed, an image of the notice showing the candidate's actual signature as appearing on the notice, must be included in or attached to the email.

A Registered Officer/Deputy Registered Officer of a registered political party cannot withdraw a candidate's nomination.

If a candidate withdraws their nomination, their nomination deposit will be refunded after the election.

8.10 Death of a candidate

If a candidate for Mayor or Councillor dies between when they were nominated as a candidate by the Returning Officer under clause 295 of the Local Government (General) Regulation, and 6pm on election day, the election fails for that position and a new election in that council or ward, as applicable, will be held at a later date.

8.11 Uncontested election

If by 12noon, nomination day, only the required number of candidates (or less) have been duly nominated for Mayor or for Councillor for a council area or a ward, those candidates will be declared elected unopposed.

Where less than the required number of candidates are nominated by 12noon, nomination day, a by-election will be held at a later date to fill any vacancy.

8.12 Ballot paper draw

The draw to determine the order of candidates' names on the ballot paper for mayor and/or councillor will take place at the respective returning officer's office at 10am on the day after nomination day.

Candidates or their representatives, registered political parties, media and any member of the public are welcome to attend the draw.

8.13 How the ballot paper draws are conducted

Mayoral election

The Returning Officer places the name of each candidate on separate slips of paper on the table. Each slip is enclosed in separate plastic cylinders which are then sealed and placed in a small ballot box. The ballot box is closed and the Returning Officer shakes and rotates it to mix the cylinders. Anyone else present may also shake and rotate the box. The box is handed to an assistant who holds it so that the contents cannot be seen, and the Returning Officer withdraws the cylinders from the box one at a time.

The names of the candidates will be recorded as they are drawn from the ballot box. This is the order that the candidate will appear on the ballot paper.

Councillor election where there are no groups

The Returning Officer will conduct the draw in the same manner as for the mayor.

Councillor election where there are groups

The Returning Officer will conduct the draw in two parts.

The first draw is to determine the order of the groups. The same process is undertaken as for the mayor. However the first group drawn will be 'Group A', the second 'Group B', and so on, appearing left to right across the ballot paper.

The second draw is for candidates who are not included in any group – the 'Ungrouped' candidates and this is the same process as for the mayoral draw. Those candidates are shown in a single column, as the last column on the ballot paper after the groups.

Section 9: Groups and group voting squares

In an election for Councillors, candidates are entitled to form a group and request a group voting square on the ballot paper. At least two candidates are required to form a group.

Candidates do not need to be nominated by a registered political party to form a group or to qualify for a group voting square.

9.1 Request to form a group

Two or more Councillor candidates may lodge a claim to form a group using the **Request to form a group LG.204** form. The form can be completed online through the Nomination Online Management System. Paper forms are also available from the Returning Officer, the NSW Electoral Commission website or by calling the candidate call centre. This form must be received by the Returning Officer before the close of nominations at 12noon, nomination day.

The claim must be signed by each candidate in the group, signifying their agreement to the order of the group, as it will appear on the ballot paper. The Registered Officer or Deputy Registered Officer of a registered political party cannot sign a claim to form a group on behalf of the group. A candidate can appear in only one request to form a group in a council area.

9.2 Composite groups

A group can be comprised of:

- candidates nominated by a single registered political party – The party name will be printed on the ballot paper below each candidate's name and below the group voting square (if requested)
- candidates nominated by more than one registered political party (referred to as a composite group) – The respective party name will be printed on the ballot paper below each candidate's name and the composite party name printed below the group voting square (if requested)
- candidates who have requested the word 'Independent' printed below their names. However, if Independent candidates form a group the word 'Independent' is not printed below the group voting square
- candidates who have chosen not to have the word 'Independent' printed below their names, or
- any combination of the above.

Where candidates nominated by a registered political party form a group with non-party candidates, the nominated registered political party candidates forfeit the right to have their party name printed below the group voting square. If requested, it will be printed below the candidate's name.

9.3 Group voting squares

A group voting square is printed in the space above the black line on the ballot paper for each group which has requested a group voting square. The purpose of a group voting square is to allow voters to vote for a group or groups as an alternative to showing preferences for individual candidates below the line.

The **Request to form a group LG.204** form will include provision to request a group voting square, but only if:

- **in the case of a council that is undivided (no wards)** – The number of candidates in the group is at least half the number of candidates to be elected (that is, if there are nine Councillors to be elected the group must have at least five candidates to qualify for a group voting square), or
- **in the case of a council divided into wards** – There are at least as many candidates in the group as there are candidates to be elected in that ward (that is, there are three Councillors to be elected in the ward the group must have at least three candidates to qualify for a group voting square).

However, unless more than one group has requested a group voting square, there will be no group voting squares on the ballot paper and therefore no above the line voting. In these cases the candidates who have formed a group will still be shown as a group but voters will only be able to mark their preferences for individual candidates.

Where all the candidates in the group have been nominated by the one registered political party or by a composite group comprising two or more registered political parties, the registered political party name or names is printed on the ballot paper below the group voting square above the line.

The group voting square of a group comprised of 'Independent' candidates or candidates who have chosen not to have 'Independent' is identified only by a letter of the alphabet. The word 'Independent' cannot be printed below the group voting square above the line, but is printed below each candidate's name.

The group voting square of a group comprising a combination of candidates nominated by a registered political party and 'Independent' candidates is identified only by the allocated letter of the alphabet. The registered political party name or the word 'Independent' cannot be printed adjacent to the group voting square, but is printed adjacent to the respective candidate's name.

9.4 Withdrawal of a request to form a group

A request to form a group can be withdrawn by lodging a **Withdrawal of Claim to be included in a Group LG.205.** The notice to withdraw the group must be signed by all the candidates who made the claim, signifying their agreement to dissolve the group. The withdrawal notice must be received by the Returning Officer before 12noon, nomination day.

Should any of the candidates in the original group wish to form another group, all the candidates in the new group must sign a new **Request to form a group LG.204** form and lodge it with the Returning Officer by 12noon, nomination day. If also requesting a group voting square there must be the requisite number of candidates in the group.

A candidate can only withdraw from a group by withdrawing their entire nomination. If the person subsequently wishes to be an ungrouped candidate they will need to re-lodge a new nomination and nomination deposit by 12noon, nomination day.

If the withdrawing candidate is the lead candidate in the group the group is considered dissolved.

If the withdrawing candidate is not the lead candidate in the group the group is not dissolved. The remaining candidates will automatically move up in order to fill the vacancy. It should be noted that the removal of a candidate may affect the group's entitlement to have a group voting square printed above the line on the ballot paper.

A Registered Officer or Deputy Registered Officer of a registered political party cannot withdraw a request to form a group.

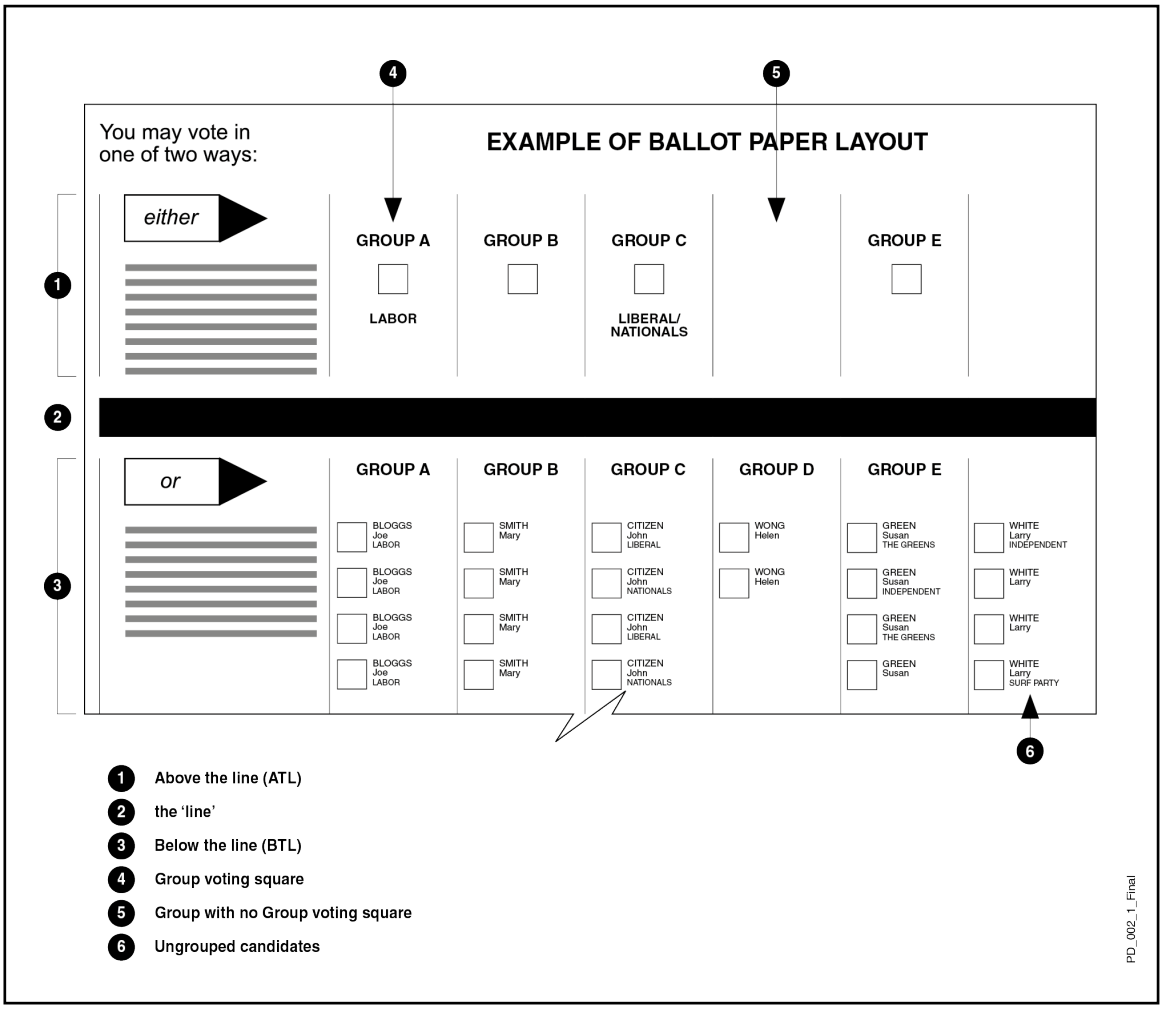
A **Withdrawal of Claim to be included in a Group LG.205** form is available from the Returning Officer, the NSW Electoral Commission website or by calling the candidate call centre.

9.5 Ungrouped candidates

Candidates who do not form a group with other candidates are called ‘ungrouped’ candidates. There is nothing printed on the ballot paper to identify them as ‘ungrouped’ candidates and they cannot have a group voting square for Above The Line voting.

Ungrouped candidates appear in a single column, as the last column on the ballot paper.

Figure 1: Example of ballot paper with group voting squares



Section 10: Ballot paper formats

The format of the councillor ballot paper will vary depending on the type of election and whether candidates have formed into groups and have requested group voting squares.

10.1 Printing of ballot papers

All ballot papers for all elections and constitutional referendum/council poll papers will be printed by a single printer contracted by the NSW Electoral Commission. This is to control security in the printing process and ensure that the production of ballot papers is of a consistent format and quality.

10.2 Candidates' names on ballot paper

A candidate's surname and one given name will be printed on the ballot paper. The surname will appear as it is on the electoral roll.

The given name can be:

- any one of the candidate's given names (as enrolled), or
- a commonly accepted variation of the name (including an abbreviation or truncation of that name or an alternative form of that name, for example, Tom for Thomas, Jack for John, Peggy for Margaret) or
- a commonly used other name specific to the candidate by which the candidate is usually identified. In this case the Returning Officer must be satisfied that the candidate is usually identified by the proposed name or
- an initial standing for any of the candidate's enrolled given names can also be used.

No titles, for example Dr or JP, are permitted.

10.3 Party affiliation or 'Independent' on ballot paper

Candidates nominated by a registered political party may request to have the registered name of the party (or its registered abbreviation) printed on the ballot paper below their name and below the group voting square.

Candidates not endorsed by a registered political party may request to have the word 'Independent' printed below their name on the ballot paper, or not.

10.4 Directions for voting

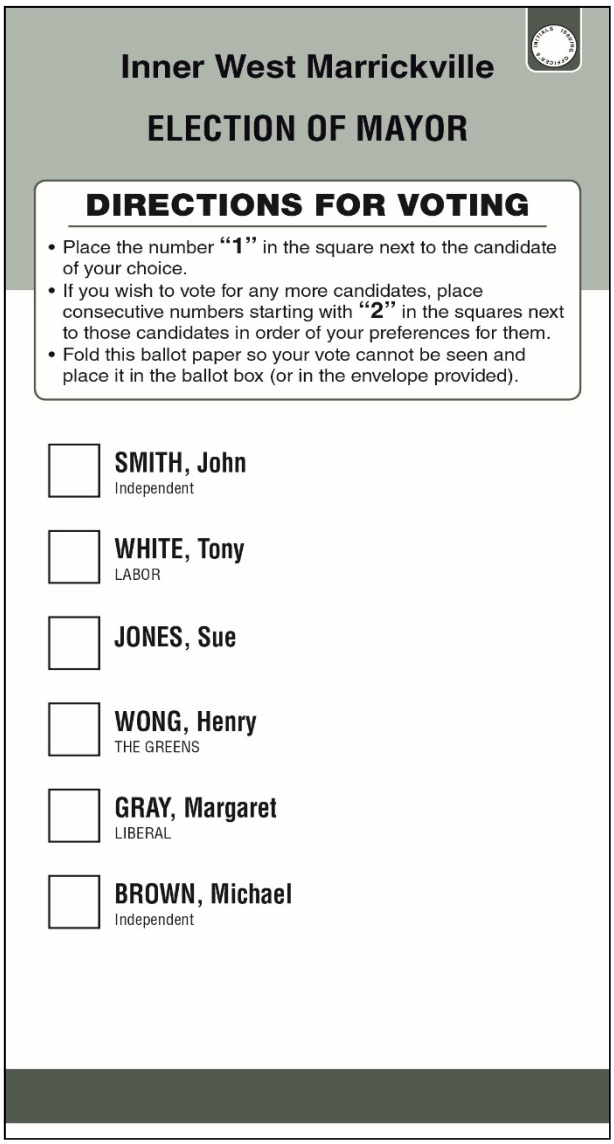
The directions for voting are printed on the ballot papers.

To vote formally for Councillor, electors are required to indicate preferences for at least half the number of Councillors to be elected (ie, if 10 Councillors are to be elected, at least five preferences must be shown; if seven are to be elected, at least four preferences must be shown for the vote to be formal).

To vote formally for Mayor, electors are required to indicate a first preference and may indicate preferences for as many other candidates as they wish.

The directions printed on each ballot paper will specify the number of preferences required for a formal vote.

Example 1: Mayoral ballot paper



Inner West Marrickville

ELECTION OF MAYOR

DIRECTIONS FOR VOTING

- Place the number "1" in the square next to the candidate of your choice.
- If you wish to vote for any more candidates, place consecutive numbers starting with "2" in the squares next to those candidates in order of your preferences for them.
- Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).

SMITH, John
Independent

WHITE, Tony
LABOR

JONES, Sue

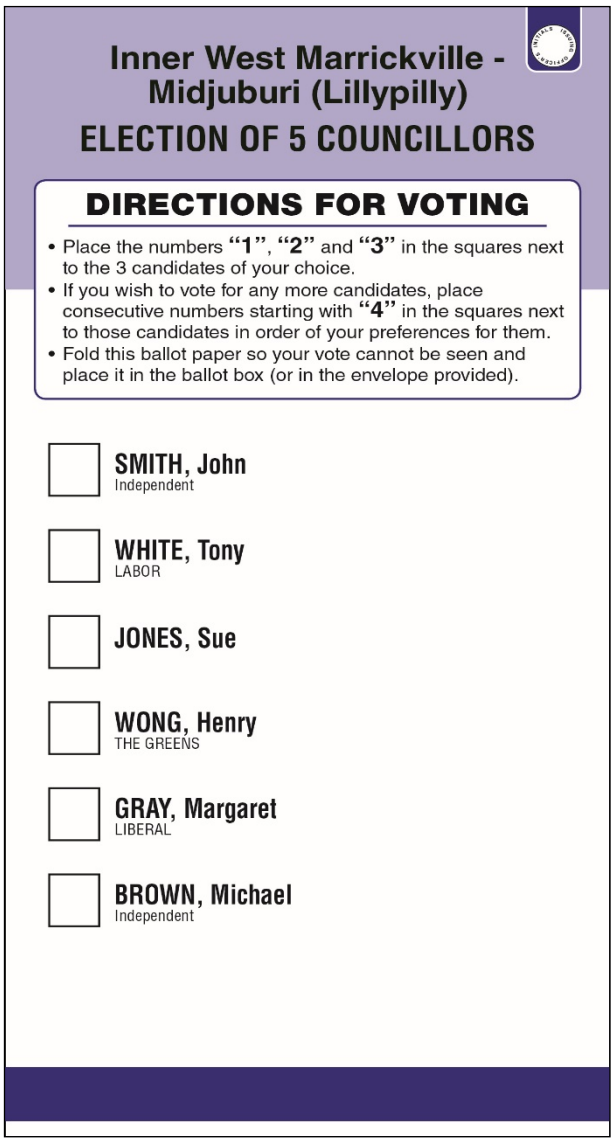
WONG, Henry
THE GREENS

GRAY, Margaret
LIBERAL

BROWN, Michael
Independent

In **Example 1 – mayor:** electors are required to place the number 1 in the square next to their preferred candidate. They can then, if they wish, show as many preferences for as many other candidates as they like. If their preferred candidate is not elected, those preferences may help to get another candidate elected.

Example 2: Councillor ballot paper with no groups



Inner West Marrickville - Midjuburi (Lillypilly)

ELECTION OF 5 COUNCILLORS

DIRECTIONS FOR VOTING

- Place the numbers "1", "2" and "3" in the squares next to the 3 candidates of your choice.
- If you wish to vote for any more candidates, place consecutive numbers starting with "4" in the squares next to those candidates in order of your preferences for them.
- Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).

SMITH, John
Independent

WHITE, Tony
LABOR

JONES, Sue

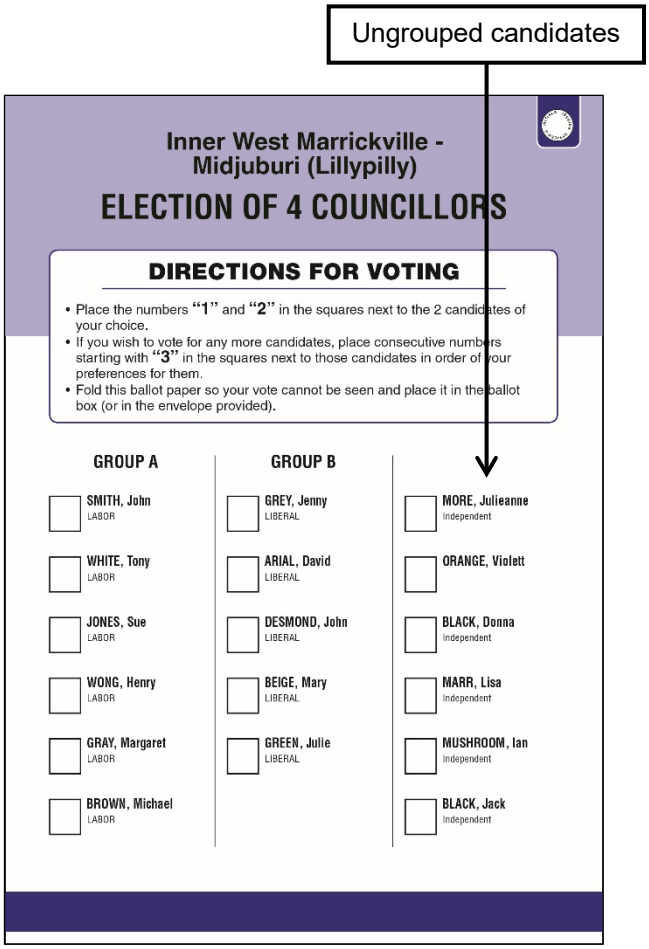
WONG, Henry
THE GREENS

GRAY, Margaret
LIBERAL

BROWN, Michael
Independent

In **Example 2 – councillor no groups:** there are five Councillors to be elected. Electors are required to place the numbers 1, 2 and 3 in the squares next to their three preferred candidates. They can if they wish, show as many preferences for as many other candidates as they like, in any order they like. If their preferred three candidates are not elected, those preferences may help to get other candidates elected.

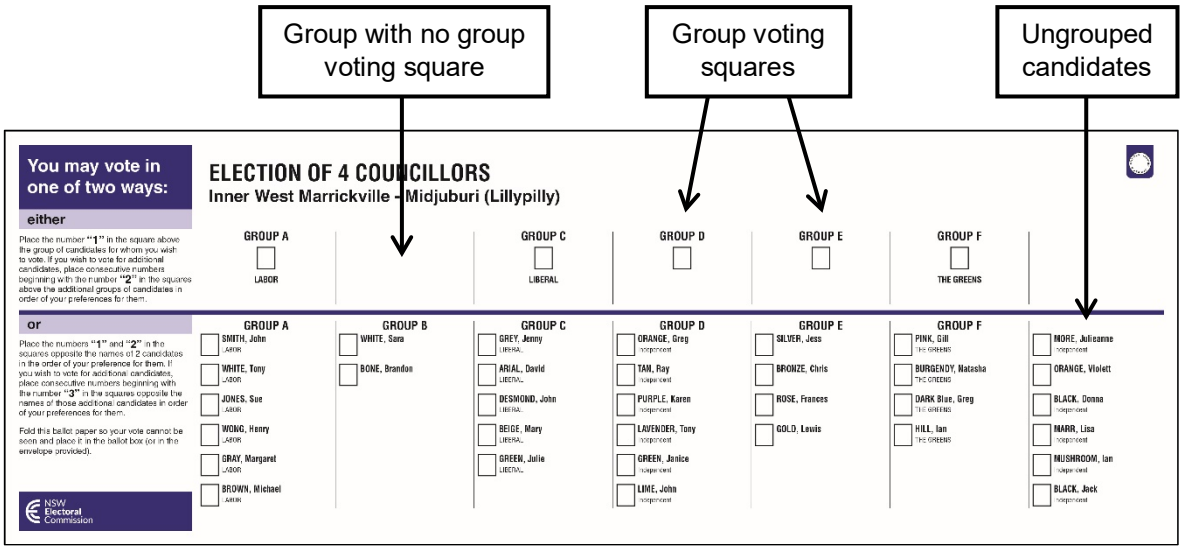
Example 3: Councillor ballot paper with groups but no group voting squares



Example 3 – councillor with groups but no group voting squares: is a ballot paper where some candidates have formed into groups and some have not. There are four Councillors to be elected, so electors are required to place the numbers 1 and 2 in the squares next to their two preferred candidates.

There is no restriction as to how preferences are given by the elector to other candidates. The elector can then, if they wish, show as many preferences for as many other candidates as they like, in any order they like. If one or both of their preferred two candidates are not elected, those preferences may help to get other candidates elected.

Example 4: Councillor ballot paper with group voting squares



Example 4 – councillor with groups and group voting squares: is a ballot paper where there are groups and group voting squares. This means that electors have the choice of voting above the thick black line in the group voting squares, or below the line for individual candidates. They cannot vote in a group voting square and give preferences to individual candidates below the line.

If voting above the line, electors only need to place the number 1 in the group voting square above their preferred candidates. They can then, if they wish, show as many preferences in as many other group voting squares as they like, in any order they like.

If voting below the line, the elector must vote for at least the number of candidates as required by the directions for voting. There is no restriction as to how preferences are given by the elector to other candidates, as described in Example 3.

Section 11: Political donations

Parties, groups, candidates and other electoral participants are responsible for understanding and complying with the rules for political donations set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of what parties, groups, candidates and other electoral participants need to understand about who is responsible for the management and disclosure of political donations and electoral expenditure and details of the requirements for political donations.

For further information visit elections.nsw.gov.au/Funding-and-disclosure or email us at fdc@elections.nsw.gov.au

11.1 Who is responsible for the management and disclosure of political donations and electoral expenditure?

Political parties, candidates, groups and party agents must understand their responsibilities for managing and disclosing political donations and electoral expenditure. If you have previously been a candidate at a local government election, you should be aware that the rules have changed and candidates and groups no longer have an official agent.

11.2 Political parties

Each political party, whether or not a registered party, is responsible for maintaining complete and accurate records of the political donations and electoral expenditure of the party and for the operation of the party's campaign accounts.

It is a matter for each party to authorise individuals to accept political donations on behalf of the party and to make payments for electoral expenditure from the campaign account of the party.

The party agent of each party is responsible for the disclosure of the political donations made and received and electoral expenditure incurred by the party.

11.3 Candidates and elected members (including candidates who are members of groups)

Each candidate and elected member is responsible for their own political donations and electoral expenditure unless otherwise notified in writing by the NSW Electoral Commission and/or by the party agent of a registered party.

The candidate or elected member is responsible for:

- maintaining complete and accurate records of their political donations and electoral expenditure
- operating a campaign account to deposit political donations made to the elected member or candidate
- depositing any contributions made by the elected member or candidate to their own campaign
- paying electoral expenditure incurred by the elected member or candidate
- disclosing political donations made and received and electoral expenditure incurred by the elected member or candidate.

11.4 Groups

In the case of a group of candidates, the lead candidate of the group is responsible for the management and disclosure of the group's political donations and electoral expenditure unless otherwise notified in writing by the NSW Electoral Commission and/or by the party agent of a registered party. The lead candidate is:

- the candidate who is listed first in a request to form a group for the ballot paper (refer to Section 9: Groups and group voting squares)
- if the group was registered for the election prior to the candidates in the group were nominated for the election, the lead candidate is the person listed first in relation to the group in the register of candidates (refer to Section 7: Registration of candidates and groups).

The lead candidate is responsible for:

- maintaining complete and accurate records of the political donations and electoral expenditure of the group and for operating a campaign account to deposit political donations made to the group and pay electoral expenditure incurred by the group, and
- the disclosure of political donations made and received and electoral expenditure incurred by the group.

11.5 Political donations

Political donations are strictly regulated at NSW local government elections and penalties apply for non-compliance. All party agents, candidates, groups and any person authorised or appointed to accept political donations must understand these rules before accepting political donations.

11.6 What is a political donation?

A political donation has a different meaning for a party, group, candidate or other electoral participant.

Parties and groups – A political donation is a gift made to, or for the benefit of a political party or group of candidates.

Elected members – A political donation is a gift made to or for the benefit of a Member of Parliament or a local government Councillor or Mayor, the whole or part of which was used or is intended to be used by the elected member:

- solely or substantially for a purpose related to an election or to the elected member's duties as an elected member or
- to enable the elected member to make, directly or indirectly, a political donation or to incur electoral expenditure or
- to reimburse the elected member for making, directly or indirectly, a political donation or incurring electoral expenditure.

Candidates – A political donation is a gift made to or for the benefit of a candidate, the whole or part of which was used or is intended to be used by the candidate:

- solely or substantially for a purpose related to an election or
- to enable the candidate to make, directly or indirectly, a political donation or to incur electoral expenditure or
- to reimburse the candidate for making, directly or indirectly, a political donation or incurring electoral expenditure.

Others – A political donation is a gift made to or for the benefit of an entity or other person (not being a party, elected member, group or candidate), the whole or part of which was used or is intended to be used by the entity or person:

- to enable the entity or person to make, directly or indirectly, a political donation or to incur electoral expenditure or
- to reimburse the entity or person for making, directly or indirectly, a political donation or incurring electoral expenditure.

A political donation includes:

- a monetary gift
- a non-monetary gift
- the provision of a service at no charge, or at a discounted rate
- a contribution, entry fee or other payment entitling a person to participate in, or benefit from, a fundraising event where the amount paid forms part of fundraising proceeds
- annual or other subscriptions paid to a political party by a member of a party or by a person or entity for affiliation with the party

- a disposition of property:
  - to a NSW party branch of a political party from the federal branch of the party
  - to a NSW party branch of a political party from another State or Territory party branch of the party or
  - from a political party to another associated party (for example, common membership, coalition arrangement) and
- uncharged interest on a loan in example, the additional amount that would have been payable by a lender if the loan had been made on terms requiring the payment of interest at the generally prevailing interest rate for a loan of that kind, and the interest payable had not been waived, and any interest payments were not capitalised.

A political donation does not include:

- the provision of voluntary labour
- the provision of voluntary professional services to a party by an officer or an elected member of the party
- a gift to an individual made in a private capacity for his or her personal use
- bequests
- public funding payments made by the NSW Electoral Commission to a political party, elected member or candidate or
- a gift made solely for the purpose of a Federal election or a member of the Federal Parliament, or an election outside of New South Wales, or an elected member outside of New South Wales.

The NSW Electoral Commission issues guidelines to give further examples of what is and is not a political donation including the interest rates for loans. The guidelines are available at elections.nsw.gov.au.

11.7 How can political donations be used?

Parties – Political donations can only be used by a party for the objects and activities of the party, including:

- the administration of the party and community activities
- electoral expenditure for State elections and local government elections or
- electoral expenditure for or on behalf of elected members, candidates or groups of candidates who are members of the party.

Elected members, candidates and groups – Political donations can only be used by an elected member, candidate or group:

- to incur electoral expenditure
- to reimburse a person for incurring electoral expenditure or
- for making a donation to another elected member, group of candidates or a candidate (other than a donation to those who are not endorsed by a political party or who are endorsed by another party).

11.8 Small political donations

A small political donation is a single donation of less than $1,000 made by a donor. A small political donation also includes multiple small donations made by the same donor to the same person or entity in a financial year that in aggregate is less than $1,000.

If a small political donation is received by a party, elected member, group or candidate a record must be kept of the donation. The total value and total number of small political donations made and received are required to be disclosed to the NSW Electoral Commission.

11.9 Reportable political donations

A reportable political donation is a donation of $1,000 or more made by a donor, either as a lump sum or as multiple small political donations made by the same donor to the same recipient in a financial year that in aggregate are $1,000 or more.

If a reportable political donation is received by a party, elected member, group or candidate a record must be kept of the donation and the donor and a receipt must be issued to the donor (or a written acknowledgement for non-monetary donations). The receipt/acknowledgement must include a statement advising the donor of the following:

> *If you make a reportable political donation you must complete and lodge a declaration with the NSW Electoral Commission in accordance with the Electoral Funding Act. A political donation includes a contribution or entry fee or an annual or other subscription. You must also disclose a political donation of less than $1,000 if the total amount of political donations made by you in respect of the same party (or associated entity), elected member, group, candidate, third-party campaigner or person in the same financial year is $1,000 or more. Penalties apply for failing to lodge a declaration.*

Parties – receipts/acknowledgments for reportable political donations are to be issued by a person authorised by the party.

Elected members, candidates and groups – receipts/acknowledgments for reportable political donations are to be issued by the elected member, candidate or lead candidate (as applicable).

The full details of all reportable political donations made and received are required to be disclosed to the NSW Electoral Commission.

11.10 Reportable loans

A reportable loan is a loan that, if it had been a gift, would be a reportable political donation. A loan includes an advance of money, the provision of credit or any other transaction that in substance effects a loan of money.

A person accepting a loan must keep the following records of a reportable loan (other than a loan from a financial institution):

- the terms and conditions of the loan and
- the name and address of the entity or other person making the loan.

If a person or entity makes more than one loan to the same party, elected member, group, candidate or other person within a financial year, the loans are to be aggregated and treated as a single loan.

Each transaction in which credit is provided by the use of a credit card is taken to be a separate loan.

The details of reportable loans received must be disclosed to the NSW Electoral Commission. It is unlawful for a person to accept a reportable loan without keeping the records required above.

11.11 Accepting political donations

Parties – Political donations made to or for the benefit of a party can be accepted by any person authorised by the party to accept political donations.

Before accepting a political donation, the party should ensure that the donor is eligible to make political donations and the donation is not unlawful.

Political donations made to or for the benefit of a party that will be used by the party to incur electoral expenditure for a local government election must be paid into the party's local government campaign account.

Any person who accepts a political donation on behalf of the party must provide the details of the donation and the donor to the party for the purpose of the party keeping complete and accurate records and to enable the party to issue a receipt/acknowledgement to the donor (for a reportable political donation).

Elected members, candidates and groups – Political donations made to or for the benefit of a candidate or group cannot be accepted until the candidate or group is registered for the election with the NSW Electoral Commission (refer to Section 7: Registration of candidates and groups).

Before accepting a political donation, the elected member, candidate or lead candidate of the group should ensure that the donor is eligible to make political donations and the donation is not unlawful.

The political donations must be paid by the elected member, candidate or lead candidate into the campaign account of the elected member, candidate or group if it is intended to be used to pay for electoral expenditure. The elected member, candidate or lead candidate must keep a complete and accurate record of each political donation received and issue a receipt/acknowledgement to each donor that made a reportable political donation

11.12 Caps on political donations

Political donations are capped in New South Wales. Caps on political donations are adjusted each financial year and are published at elections.nsw.gov.au/Funding-and-disclosure/Political-donations/Caps-on-political-donations.

For the purpose of the donation caps:

- political donations made by the same donor to the same recipient in a financial year are to be aggregated
- political donations made by the same donor to elected members, candidates and groups of candidates endorsed by the same party in a financial year are to be aggregated and
- donations made by the same donor to the same recipient in a financial year are to be aggregated separately in relation to donations for local government elections and donations for other purposes.

There are a number of exemptions that apply to the caps on political donations:

- A party levy paid to a party by an elected member or a candidate who is a member of the party and
- an annual or other subscription paid to a party by a member of the party, or by an entity or other person for affiliation with the party, is exempt from the donation caps, up to the following amounts:
  - a party member – $2,000
  - a party affiliate whose subscription to the party is not based on the number of members of the affiliate – $2,000 and
  - a party affiliate whose subscription to the party is based on the number of members of the affiliate – $2,000 per member of the affiliate.

It is unlawful to accept a political donation if the donation exceeds the applicable cap on donations.

A political donation that exceeds the applicable cap on donations is not unlawful if it, or the amount in excess of the cap, is paid into an account kept exclusively for federal election campaigns.

An individual who makes a political donation on behalf of a corporation that is related to another corporation that has made a political donation to the same party, elected member, group or candidate in the same financial year must disclose to the person accepting the donation the following about the other corporation and its political donations:

- the name of the corporation making the political donation and
- the names of the other corporations and the amounts of the political donations made during that same financial year.

11.13 Contributions made by a candidate to finance their own election campaign

Contributions made by a candidate to finance their own election campaign are not political donations and are not subject to donation caps.

Contributions made by a candidate to the group or party of which the candidate is a member are political donations from the candidate to the group or party and are subject to the caps on political donations.

Payments made by a candidate into the candidate's campaign account must be disclosed. Payments made by a group member into their group's campaign account must be disclosed.

11.14 Prohibited donors

Individuals and entities from certain industries are prohibited from making political donations in New South Wales. It is unlawful for a:

- prohibited donor to make a political donation
- person to make a political donation on behalf of a prohibited donor
- person to accept a political donation from a prohibited donor or a person on behalf of a prohibited donor
- prohibited donor to solicit another person to make a political donation and
- person to solicit another person on behalf of a prohibited donor to make a political donation.

A prohibited donor is:

- a property developer
- a tobacco industry business entity
- a liquor or gambling industry business entity
- close associates of the above or
- any industry representative organisation if the majority of its members are prohibited donors.

A candidate who is a prohibited donor can contribute to their own election campaign and can accept political donations from others (except other prohibited donors) but must not make political donations. If a candidate who is a prohibited donor is a member of a group, the candidate must not contribute their own funds to the group as such payments are political donations made by the candidate to their group. For the detailed definitions of prohibited donors refer to section 53 of the Electoral Funding Act.

11.15 Indirect campaign contributions

The following are indirect campaign contributions to a party, elected member, group or candidate:

- The provision of free or discounted office accommodation, vehicles, computers or other equipment for use solely or substantially for election campaign purposes
- the full or part payment by a person of electoral expenditure for advertising or other purposes incurred or to be incurred by the party, elected member, group or candidate (or an agreement to make the payment) and
- the waiving of all or any part of a payment of electoral expenditure for advertising incurred or to be incurred by a party, elected member, group or candidate.

In relation to an indirect campaign contribution, electoral expenditure for advertising is taken to be incurred by a party, elected member, group or candidate if the advertising is authorised by the party, elected member, group or candidate.

An indirect campaign contribution does not include:

- volunteer labour or the incidental or ancillary use of vehicles or equipment of volunteers
- anything provided or done by a party for the candidates endorsed by the party in accordance with arrangements made by the party agent of the party or
- a public funding payment made to a party, elected member or candidate by the NSW Electoral Commission.

It is unlawful for a person to make or accept the following indirect campaign contributions taking into account the total value of things provided or done by the same person over the same financial year:

- anything provided to or done for the benefit of a registered party or a group valued at more than the threshold amount or
- anything provided to or done for the benefit of an unregistered party, elected member or candidate valued at more than the threshold amount.

The threshold amounts on indirect campaign contributions are the same as the applicable caps on political donations which are published on the NSW Electoral Commission website and are adjusted each financial year.

11.16 Anonymous political donations

Before a person accepts a reportable political donation the person must either know the name and address of the person who is making the donation or the person making the donation must give the person accepting the donation the donor's name and address.

It is unlawful to accept a reportable political donation from an anonymous donor and if the person accepting the donation has grounds to believe that the name and address given by the person are not the true name and address of the donor the donation must not be accepted.

11.17 Cash donations over $100

It is unlawful for a person to make or accept political donations in the form of cash over $100. Such political donations must be made electronically or by cheque.

11.18 Political donations to independent candidates

A party, or a candidate or elected member endorsed by a party, or an associated entity of a party, must not make political donations to a candidate, or group of candidates, not endorsed by that or any other party and the candidate or group of candidates must not accept the political donation.

Section 12: Electoral expenditure

Parties, groups, candidates and other electoral participants are responsible for complying with the rules for electoral expenditure set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of what parties, groups, candidates and other electoral participants need to understand about electoral expenditure.

The rules set out in Section 11: Political donations in relation to who is responsible for the management and disclosure of political donations and electoral expenditure apply.

For further information go to the NSW Electoral Commission website: elections.nsw.gov.au/Funding-and-disclosure/Electoral-expenditure or email fdc@elections.nsw.gov.au.

12.1 What is electoral expenditure?

Electoral expenditure is expenditure:

- for or in connection with promoting or opposing, directly or indirectly, a political party, or the election of a candidate or candidates or
- for the purpose of influencing, directly or indirectly, the voting at an election.

Electoral expenditure is expenditure incurred:

- on advertisements in radio, television, the internet, cinemas, newspapers, billboards, posters, brochures, how-to-vote cards and other election material
- on the production and distribution of election material
- on the internet, telecommunications, stationery and postage
- in employing staff engaged in election campaigns
- for office accommodation for any such staff and candidates (other than for the campaign headquarters of a party or for the electorate office of an elected member)
- on travel and travel accommodation for candidates and staff engaged in electoral campaigning
- on research associated with election campaigns (other than in-house research), and
- in raising funds for an election or in auditing campaign accounts.

Electoral expenditure also includes expenditure incurred in the use or acquisition of any of the following items within the period of a week that includes election day and which is terminated or disposed of within that period:

- a motor vehicle
- motor vehicle accessories
- a vessel or aircraft used for the purpose of navigation

- televisions and radios
- television and radio broadcasting equipment
- electronic equipment for recording sounds or visual images
- photographic equipment
- computers and associated equipment and computer software, or
- office furniture and equipment.

Electoral expenditure includes only so much of the purchase price of the property that is not recovered in the disposal of the property.

12.2 What electoral expenditure does not include

Electoral expenditure does not include:

- expenditure incurred substantially in respect of an election of members to a Parliament other than the NSW Parliament or
- expenditure on factual advertising of:
  - meetings to be held for the purpose of selecting a person for nomination as a candidate for election
  - meetings for organisational purposes of parties, branches of parties or conferences, committees or other bodies of parties or branches of parties or
  - any other matter involving predominantly the administration of parties or conferences, committees or other bodies of parties or branches of parties.

The NSW Electoral Commission issues guidelines to give further examples of what is and is not electoral expenditure. The guidelines are available at: elections.nsw.gov.au/About-us/Legislation/Funding-legislation/Guidelines-under-the-Electoral-Funding-Act-2018.

12.3 Making payments for electoral expenditure

Parties – Electoral expenditure incurred by a party for a local government election campaign must be made from the party's local government campaign account. The expenditure can be paid by any person authorised by the party. Any person who makes a payment for electoral expenditure from the party's local government campaign account must provide the details of the expenditure to the party for the purpose of the party keeping complete and accurate records.

Elected members, candidates and groups – Payments for electoral expenditure cannot be made by or on behalf of a candidate or group until the candidate or group is registered for the election with the NSW Electoral Commission (refer to Section 7: Registration of candidates and groups).

Electoral expenditure must be paid by the elected member, candidate or lead candidate of a group from the campaign account of the elected member, candidate or group. Complete and accurate records must be kept of all electoral expenditure incurred.

12.4 Caps on electoral expenditure

Electoral expenditure in connection with a local government election campaign is capped during the capped expenditure period for the election. Caps on electoral expenditure apply to parties, candidates, groups, and third-party campaigners.

It is unlawful for a party, candidate, group or third-party campaigner to incur electoral expenditure during the capped expenditure period for the election that is in excess of the applicable cap.

12.5 What are the caps on electoral expenditure?

There are eight levels of caps depending on the number of enrolled electors in an area or ward. The current caps are listed in the table below. The amounts are adjusted following the NSW Local Government elections.

Number of enrolled electors for a local government area or ward	Non-mayoral candidates and groups that do not include mayoral candidates	Mayoral candidates in undivided areas and groups that include a mayoral candidate	Third-party campaigners
1-5,000	$6,000	$7,500	$2,000
5,001-10,000	$10,000	$12,500	$3,340
10,001-20,000	$18,000	$22,500	$6,000
20,001-30,000	$25,000	$31,250	$8,340
30,001-50,000	$36,000	$45,000	$12,000
50,001-75,000	$46,000	$57,500	$15,340
75,001-125,000	$63,500	$79,375	$21,170
125,001 or more	$72,000	$90,000	$24,000

New South Wales is divided into geographical areas known as local government areas, each run by a council. A local government area may or may not be further divided into wards. Each council determines whether it has wards, the number of wards and the names of wards.

If the number of enrolled electors in each ward of a local government area results in different expenditure caps between wards of that area, the highest cap among those wards will apply to all wards in that area.

The details of the number of enrolled electors and applicable caps for each area or ward are published at elections.nsw.gov.au/Funding-and-disclosure/Electoral-expenditure/Caps-on-electoral-expenditure/Expenditure-caps-for-LGE21. Candidates, groups and third-party campaigners are notified of the applicable caps when they are registered.

12.6 Aggregation of electoral expenditure for a group and its members

Electoral expenditure incurred by a group of candidates and by a candidate who is a member of the group must be aggregated for the purpose of the expenditure caps. The aggregated expenditure must be within the applicable cap for the candidate or group.

12.7 Caps for mayoral candidates in areas divided into wards

In a local government area that is divided into wards the cap for a mayoral candidate (or a group that includes a mayoral candidate) is equal to:

- 100 per cent of the cap for a non-mayoral candidate in a ward of the area, plus 25 per cent of the cap for a non-mayoral candidate in each of the other wards of the area.
  - For example, if an area has four wards and the expenditure cap for a non-mayoral candidate in a ward is $10,000, the expenditure cap for a mayoral candidate in that area is $10,000 (ward 1) + $2,500 (ward 2) + $2,500 (ward 3) + $2,500 (ward 4) = $17,500.

12.8 Caps for candidates running for mayor and councillor at the same time

The cap for a candidate running for Mayor and Councillor at the same election is the applicable cap for a mayoral candidate.

12.9 Caps for parties with candidates

Any electoral expenditure incurred by a party for its endorsed candidate or group must be within the candidate or group's expenditure cap when aggregated with any other electoral expenditure incurred by the candidate or group.

If electoral expenditure is incurred for a party's endorsed candidate or group by an associated entity of the party, or by an elected member who is a member of the party but who is not standing as a candidate at the election, the expenditure of the entity and elected member must be within the candidate or group's expenditure cap when aggregated with any other electoral expenditure incurred by the candidate or group.

12.10 What is the capped expenditure period?

The capped expenditure period starts on 1 July and ends on election day.

12.11 When is electoral expenditure incurred?

For the purposes of the expenditure caps, expenditure is taken to be incurred when the services are provided or the goods are delivered. For example:

- when the advertising is broadcast or published
- when the electoral material is distributed or
- the period of employment of election campaign staff.

Even if payments for electoral expenditure are made outside of the capped expenditure period, if the services are provided or the goods are delivered including the examples above, during the capped expenditure period, the expenditure is subject to the caps.

Section 13: Campaign accounts and record keeping

Parties, groups, candidates and other electoral participants at the NSW Local Government elections are responsible for understanding and complying with the rules for campaign accounts and record keeping set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of what parties, groups, candidates and other electoral participants need to understand about operating a campaign account and keeping records of political donations and electoral expenditure.

The rules set out in Section 11: Political donations in relation to who is responsible for the management and disclosure of political donations and electoral expenditure apply to the use of campaign accounts and keeping of records. For further information visit the website at elections.nsw.gov.au/Funding-and-disclosure/Campaign-accounts or email us at fdc@elections.nsw.gov.au.

13.1 What is a campaign account, when and how to use it?

Parties – A campaign account is an account that is required to be kept by a party for making payments for the party's electoral expenditure.

Elected members, candidates and groups – A campaign account is required to be kept by an elected member, group or candidate for an election if the political donations received or electoral expenditure incurred by the elected member candidate or group are $1,000 or more. A campaign account must be separate to any other accounts of the party, elected member, group or candidate and must be held with a financial institution in Australian dollars. The campaign account of a group must be separate to the campaign account of each candidate who is a member of the group.

There are no requirements under the Electoral Funding Act as to the name of a campaign account however a financial institution may require an account to be kept in the name of the party, elected member, group or candidate.

13.2 Local government campaign account of a party

A political party must keep a campaign account for a local government election campaign before incurring electoral expenditure for a local government election. The campaign account is known as the local government campaign account of the party.

All electoral expenditure incurred by the party for a local government election must be paid from the party's local government campaign account. Other accounts kept by the party and accounts kept by local groups or branches of the party must not be used to make payments of electoral expenditure for a local government election.

The party may authorise any person to operate the party's campaign account. When opening a campaign account those people who have been authorised by the party to operate the campaign account must also be authorised by the financial institution to operate the account.

The following may be paid into the local government campaign account of a party:

- political donations made to the party that do not exceed the applicable cap on political donations to the party for a local government election (including the proceeds of the investment or disposal of any political donation of property for a local government election that is held as an asset of the account)
- money borrowed by the party at any time for a local government election
- money belonging to the party on 1 July 2016 (including the proceeds of the investment or disposal of any other property belonging to the party on or before that date) and
- a bequest made to the party.

Other money may be paid into the local government campaign account in addition to the above list except for the following which may not be paid into the local government campaign account:

- a party subscription except an amount that exceeds the maximum subscription referred to in Section 11: Political donations and that constitutes a political donation to the party
- an amount of a political donation to the party that exceeds the applicable cap on political donations to the party (refer to 11.12 Caps on political donations in Section 11: Political donations) and
- payments made to the party by the NSW Electoral Commission from 1 July 2016 from the Election Campaigns Fund, Administration Fund, Policy Development Fund or New Parties Fund.

If a political donation is received that exceeds the applicable cap on donations, the amount exceeding the cap should be deposited into an account kept exclusively for federal election campaigns in order to be exempt from the donation cap.

The local government campaign account of a party can also be used to make payments for other expenditure (except electoral expenditure for State elections).

13.3 Campaign account of an elected member, group or candidate

A campaign account is required to be kept for the elected member, group or candidate in the following circumstances:

- $1,000 or more in political donations have been received by the elected member, group or candidate in the period from 30 days after the previous general election for the local government area to 30 days after the local government election or
- $1,000 or more in electoral expenditure is incurred by the elected member, group or candidate in the period from 30 days after the previous general election for the local government area to 30 days after the local government election.

The political donations and electoral expenditure of a group are separate to the political donations and electoral expenditure of a candidate even if the candidate is a member of the group. This means that if a candidate who is a member of a group receives $1,000 in political donations or incurs $1,000 or more in electoral expenditure, the candidate must keep a campaign account that is separate to the group.

Political donations made to or for the benefit of a group are taken to be political donations of the group and electoral expenditure incurred by the group is electoral expenditure of the group.

The elected member, lead candidate of the group, or a candidate (as applicable), must be authorised with the financial institution to operate the account and must operate the account.

Political donations made to or for the benefit of an elected member, group or candidate that are used to make payments for electoral expenditure for the elected member, group or candidate, must be paid into the campaign account and the payments must be made from the campaign account.

Other uses for the campaign account include:

- deposit contributions made by a candidate to finance their own campaign, that is, for the candidate to incur their own electoral expenditure
- deposit political donations made to or for the benefit of the elected member, group or candidate
- make payments for electoral expenditure for the elected member, group, or candidate
- reimburse the elected member, group or candidate for money paid into the account by the elected member, group or candidate or
- make political donations to elected members, groups or candidates who are members of the same party as the elected member, candidate or group members.

Electoral expenditure of an elected member, group or candidate can only be paid using:

- contributions made by a candidate to finance their own campaign or
- political donations made to or for the benefit of the elected member, group or candidate.

Minor payments of electoral expenditure of $50 or less (and no more than $1,000 in total in an election period) can be paid for outside the campaign account. A record must be kept in the petty cash book.

A contribution made by a candidate to finance the election campaign of the group of which the candidate is a member is a political donation that is subject to the applicable donation cap for a group and is subject to the other rules that apply to political donations.

The elected member, group or candidate can appoint a person to make payments from the campaign account and to deposit political donations made to or for the benefit of the elected member, group or candidate. The person appointed should then be authorised by the financial institution to operate the campaign account. A written record of the appointment should be kept.

When the account is no longer required it may be closed. Any amount remaining in the campaign account must be paid:

- to the party of which the elected member or candidate was a member at the time of the election
- in the case of a group – to the campaign accounts (if any) operated for the candidates who were members of the group (the amount being divided equally among the candidates) or
- if none of the above apply – to a charity nominated by the elected member, group or candidate.

Records must be kept of the bank statements from the account for the purpose of a compliance audit that will be undertaken by the NSW Electoral Commission.

13.4 Record keeping

Complete and accurate accounting and financial records must be kept by parties, party agents, elected members, groups and candidates for at least three years in order to for political donations and electoral expenditure to be properly disclosed.

The following people and entities are responsible for keeping records of political donations and electoral expenditure:

- a party is responsible for keeping the party's records
- a lead candidate of a group is responsible for keeping the group's records
- an elected member is responsible for keeping their own records and
- a candidate is responsible for keeping their own records.

Accounting records may be kept in paper or electronic form. If records are kept in electronic form the records must comply with the requirements for keeping paper records to the extent the requirements can be reasonably complied with.

If accounting records are kept in electronic form the responsible person must ensure that:

- entries appear in chronological sequence
- all entries are numbered sequentially in a manner that enables the completeness of the records to be conveniently verified
- no amendment to the particulars of a transaction already recorded can be made otherwise than by a separate transaction effecting the amendment
- a back-up copy of all records that are less than three years old must made at least once a month and
- the most recent back-up copy must be kept in a separate location so that any incident that might adversely affect the records would not affect the back-up copy.

13.5 Political party records

Political parties are required to keep the following accounting records at the party's headquarters in New South Wales:

- a receipt book for monetary reportable political donations
- an acknowledgement book for non-monetary reportable political donations
- a deposit book
- a cash book, or a receipts cash book and payments cash book
- a cheque book
- a journal and
- a ledger.

If a party wishes to keep an alternative system of accounts, approval must be sought from the NSW Electoral Commission.

13.6 Elected member, candidate and group records

The person responsible for an elected member, group or candidate is required to keep the following accounting records in relation to the elected member, group or candidate's election campaign:

- a receipt book for monetary reportable political donations
- an acknowledgement book for non-monetary reportable political donations
- a cheque book
- a petty cash book and
- a cash book, or a receipts cash book and payments cash book.

If a party agent is responsible for more than one elected member, group or candidate, separate records must be kept for each elected member, group and candidate.

13.7 Receipt and acknowledgement books

The NSW Electoral Commission provides elected members, groups and candidates with receipt and acknowledgement books for reportable political donations received. To request a receipt and acknowledgement book email us at fdc@elections.nsw.gov.au.

Each receipt and acknowledgment comes in triplicate form: the original must be given to person who made the reportable political donation, the duplicate is to be kept by the person responsible for keeping records and the triplicate is to stay in the book and be sent back to the NSW Electoral Commission when the person discloses political donations to the NSW Electoral Commission.

Each receipt and acknowledgement contains a statement to advise the donor of their obligation to disclose to the NSW Electoral Commission details of the reportable political donations they have made.

An electronically generated receipt or acknowledgement can be used as long as it contains the same information as the receipts and acknowledgements in the books issued by the NSW Electoral Commission.

13.8 Deposit books (applies to parties)

The deposit book must contain deposit forms in duplicate for the financial institution at which the party's account is kept. The following to be entered on each form:

- the date of the deposit
- the amount of the deposit
- the form (cash, cheque or postal order) of the deposit and
- in the case of a deposit by cheque, the name of the drawer of the cheque.

A carbon impression of the deposit must be made on the duplicate form which must be retained by the party. The party must ensure that:

- the deposit book is produced to the financial institution at the time of making a deposit of a political donation
- the details referred to above are entered on each deposit form at the time of making the deposit and
- the carbon impression of each complete deposit entry must be initialled by an officer of the financial institution and is stamped with the stamp of that financial institution.

13.9 Petty cash book (applies to elected members, candidates and groups)

The petty cash book is used for recording cash payments for items of electoral expenditure of $50 or less including those payments made outside of the campaign account.

13.10 Cash book, or a receipts cash book and payments cash book

The cash book must be a book or books, with consecutively numbered sheets. The consecutive numbers of receipts issued or cheques drawn must be shown on the respective sheets. If the loose-leaf principle is used, separate sheets can be kept for the receipts cash book and the payments cash book, and it is not necessary to number the sheets consecutively.

As soon as possible after a transaction the following details must be entered in the cash book:

- on the receipts side of the cash book, on the receipts cash sheets, or in the receipts cash book – details of all money received by way of political donations and
- on the disbursements side of the cash book, on the payments cash sheets or in the payments cash book – details of all money disbursed by way of electoral expenditure.

At the end of each month, the cash book or books must be balanced and the balance carried forward to the commencement of the next month and in the case of a party, to a ledger account provided for that purpose.

At the end of each month:

- the entries in the cash book or books must be compared with the statement of the financial institution where the account is kept and
- amounts credited to the account and appearing in the relevant statement for which no receipt had been written, and amounts debited to the account and appearing in the relevant statement for which no cheque had been drawn must be entered in the cash book or books.

Any necessary reconciliation (showing the balance in the account as indicated in the relevant statement and adding any money received but not banked, and deducting any cheques drawn but not presented for payment), must be entered in the cash book at the end of the entries for the month.

13.11 Journal (applies to parties)

As soon as possible after each transaction, the party must enter in the journal details of:

- the value of any interest in property donated to the party
- details of any interest in property disposed of by the party otherwise than for money
- all adjustments to be made to accounts in the ledger
- all transfers to be made from one ledger account to another and
- all other transactions affecting any ledger account which are not posted or to be posted from the cash book to the ledger, being transactions relating to political donations received or electoral expenditure incurred.

The details of each entry in the journal must be sufficient to identify the transaction in respect of each entry and the reason for that entry.

13.12 Ledger (applies to parties)

The ledger must contain details of all political donations received and electoral expenditure incurred.

The details must, if taken in conjunction with other details in the receipt book, cash book or books and journal, be sufficient to identify the transaction in respect of which the political donation was received or the electoral expenditure incurred.

Each entry in the cash book or books relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.

Against each entry in the ledger account there must be recorded:

- a reference to the folio of the cash book from which the entry is posted or
- if the cash book is kept on the loose-leaf principle, a reference to the receipt number or cheque number.

Each entry in the journal relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.

There must be recorded against each entry in the ledger account a reference to the folio of the journal from which the entry is posted, preceded by the letter “J”.

At the end of each month, each account in the ledger must be balanced and the balance (if any) must be carried forward to the commencement of the next month.

13.13 Records of DVDs, video tapes and other media

The following applies to any DVD, video tape, film, transparency or electronic video file that is used:

- for the purposes of an advertisement appearing on television or at a cinema or
- at the direction, or with the approval, of a party, elected member, group or candidate.

The party, elected member, group or candidate must keep any such DVD, video tape, film, transparency or electronic video file for 12 months after the advertisement was last broadcast.

The NSW Electoral Commission may ask to view a copy of the DVD and other media for the purpose of undertaking a compliance audit or investigation.

13.14 Records of other advertising

The following applies to any electoral expenditure for advertising which is incurred by a party, elected member, group or candidate.

The party, elected member, group or candidate must keep the following advertising material for 3 years after the advertising was last distributed:

- A copy of the text of any radio or internet advertisement or a copy of the radio or internet advertisement and
- if the expenditure is incurred in respect of an advertisement in one or more newspapers or periodicals:
  - the full page of the newspaper or periodical in which the advertisement is displayed
  - a statement identifying the advertisement and listing the name of each newspaper and periodical in which the advertisement was published, the size of the advertisement and the date of each publication and
  - if the expenditure is incurred in respect of other printed election campaign material, a copy of each printed item.

Section 14: Disclosing political donations and electoral expenditure

Parties, groups, candidates and other electoral participants at the NSW Local Government elections are responsible for understanding and complying with the rules for disclosing political donations and electoral expenditure set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of what parties, groups, candidates and other electoral participants need to understand about disclosing political donations and electoral expenditure. If you have previously contested an election in New South Wales, you should be aware that the disclosure rules changed on 1 July 2018 including the frequency of disclosures and disclosures are now not required to be sent to a registered auditor before they are submitted to the NSW Electoral Commission.

The rules set out in Section 11: Political donations in relation to determining the person responsible for the management and disclosure of political donations and electoral expenditure apply to the disclosure requirements explained in this section. For further information go to elections.nsw.gov.au/Funding-and-disclosure/Disclosures or email us at fdc@elections.nsw.gov.au.

14.1 What is disclosure?

A disclosure is the reporting of information to the NSW Electoral Commission related to:

- political donations received and made, and electoral expenditure incurred by parties, elected members, groups, candidates and associated entities
- electoral expenditure incurred during a capped expenditure period and political donations received by third-party campaigners to pay for that electoral expenditure and
- reportable political donations made by major political donors.

Disclosures are made in a declaration that is similar to a statutory declaration in that the person making the disclosure must declare that all that is required to be disclosed has been disclosed.

It is an offence to fail to submit a disclosure by the deadline or make a false declaration. It is also an offence to make an incomplete disclosure without a reasonable excuse.

Disclosures made to the NSW Electoral Commission are published at elections.nsw.gov.au/Funding-and-disclosure/Disclosures/View-disclosures including the names and addresses of those who make reportable political donations.

If a political donor is a silent elector and has made a reportable political donation they should contact us to ensure their address is not published on the website.

14.2 What are the disclosure requirements of the NSW Local Government elections?

The following types of disclosures apply in relation to the NSW Local Government elections:

- half-yearly disclosures of political donations
- annual disclosures of electoral expenditure and
- annual disclosures of reportable political donations (donors only).

14.3 Half-yearly disclosures of political donations

Political donations made and received must be disclosed every six months. The half-yearly periods are: 1 July to 31 December and 1 January to 30 June. The following rules apply:

- Parties, elected members, candidates, groups and associated entities must disclose all political donations made and received every six months.
- Third-party campaigners must disclose all political donations received for the purpose of incurring electoral expenditure during the capped expenditure period for the election.
- If you are a candidate, group or third-party campaigner your disclosure obligations commence from the time you become a candidate, group or third-party campaigner. Disclosures must be made within four weeks of the end of each half-yearly period: 28 January and 28 July.
- Even if you have not made or received any political donations during the half-yearly period you must submit a disclosure form.
- Copies of the receipts/acknowledgements issued to donors who made a reportable political donation must be submitted with the disclosure.
- Donors are not required to make half-yearly disclosures.

14.4 Annual disclosures of electoral expenditure

Electoral expenditure incurred must be disclosed on an annual basis following the end of each financial year. The annual period starts 1 July and ends 30 June. The following rules apply:

- Parties, elected members, candidates, groups and associated entities must disclose all electoral expenditure incurred annually.
- Third-party campaigners must disclose annually all electoral expenditure incurred during the capped expenditure period for an election.
- Electoral expenditure incurred must be disclosed within 12 weeks after the end of the annual period: 22 September.
- Even if you have not incurred any electoral expenditure during the annual period you must submit a disclosure form.
- Copies of either the accounts or receipts (or a mixture of both) issued in respect of the expenditure must be submitted with the disclosure.

- Copies of any advertising material to which expenditure relates, except online advertising material if the cost of the transaction for the advertising material did not exceed $20, must be submitted with the disclosure.
- Donors are not required to make annual disclosures of electoral expenditure.

14.5 Annual disclosures of reportable political donations made by donors

A person or entity (other than a party, elected member, group or candidate) that makes a reportable political donation during an annual period must make a disclosure of all reportable political donations made in the annual period.

The annual period starts 1 July and ends 30 June each year. Annual disclosures of reportable political donations made by major political donors are due within four weeks of the end of the financial year, which is 28 July.

If you receive a reportable political donation you must issue the donor with a receipt/acknowledgement that includes a statement advising the donor of their disclosure obligation. This will assist donors in making their disclosures on time.

14.6 How to make disclosures

Disclosures are made using disclosure forms that are available at elections.nsw.gov.au/forms.

The forms are made available during the period in which the disclosures must be made to the NSW Electoral Commission.

Disclosure forms must be completed and signed by the person responsible. Information about determining who is responsible for the management and disclosure of political donations and electoral expenditure can be found in Section 11: Political donations.

Disclosure forms can be submitted by mail, fax or email.

Relevant supporting documentation must be provided with disclosures including receipt and acknowledgement books, copies of accounts or receipts for electoral expenditure and copies of advertising and any other electoral material.

Parties must also provide their financial records and bank statements with the disclosure for the half-yearly period ending 30 June.

Disclosure forms must be submitted by the relevant due date. Penalties apply (including fines and prosecution) for failing to make disclosures on time. If you are unable to submit a disclosure form on time you may request an extension before the due date. The NSW Electoral Commission can only approve an extension if there are sufficient reasons to justify the extension.

14.7 Can I amend a disclosure after it is submitted?

Yes. To amend a disclosure form you previously submitted to the NSW Electoral Commission use the relevant amended declaration form available at elections.nsw.gov.au/forms.

14.8 What happens after a disclosure is made?

The disclosure form is scanned by the NSW Electoral Commission and published on the NSW Electoral Commission website.

The NSW Electoral Commission undertakes compliance audits of the disclosures to ensure they comply with the requirements of the Electoral Funding Act. As part of a compliance audit, the person responsible for making a disclosure must assist the NSW Electoral Commission as required.

Disclosures are retained for six years and are made available for inspection to the public.

Section 15: Electoral material

15.1 General

The NSW Electoral Commission may provide guidance on whether electoral material (how-to-vote cards, posters, social media posts) complies with electoral laws, but it does not provide legal advice. Electoral participants should seek their own legal advice before producing their electoral material if they have any concerns about its legality.

The legislation provides requirements in relation to content, type, placement and distribution of electoral material during the regulated election period.

Political parties, candidates, their workers, individuals, organisations and community groups must also comply with any other laws about roads, private and public property and other public spaces regulated by local councils or the NSW Police Force when distributing and displaying electoral material.

The regulated election period

The regulated election period begins on the day of the close of rolls i.e. the 40th day prior to election day until 6pm on election day.

Prior to the regulated election period, neither the NSW Electoral Commission nor the Returning Officer has any involvement in the regulation of electoral material.

However, councils may enforce laws and regulations regarding the size and placement of posters in their local government area.

Electoral material definition

Electoral material: means anything, including without limitation a how-to-vote card, poster or advertisement containing electoral matter (whether in a tangible or an electronic form).

Electoral matter means:

- any matter that is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at any election or
- the name of a candidate at any election, the name of the party of any such candidate, the name or address of the headquarters or campaign office of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate.

In addition, on election day, electoral matter also means any express or implicit reference to, or comment on:

- an election
- any local government council or any previous council
- any local government Councillor or previous Councillor
- the government, the opposition, a previous government or a previous opposition, of New South Wales or any other State or Territory of the Commonwealth
- a member or former member of the Parliament of New South Wales or any other State or Territory of the Commonwealth
- a political party, a branch or division of a political party or a candidate in an election or
- an issue submitted to, or otherwise before, the electors in connection with an election.

Name and address on electoral material

A person must not, during the regulated election period, print, publish, distribute or publically display electoral material (other than the announcement in a newspaper of the holding of a meeting), without legibly showing on the material:

- the name and address of the person on whose instructions the material was printed, published, distributed or displayed and
- if the material has been printed, the name of the printer and the street address of the premises at which it was printed.

The **address of a person** means an address, including a full street address and suburb or locality that is located in Australia at which the person can usually be contacted during the day, but does not include a post office box.

A **street address of the premises** does not include a post office box number or a DX number.

Authorisation requirements may vary depending on the type of material, refer to Section 15.4 Authorisation of electoral material for the full authorisation requirements.

Non-complying electoral material

All electoral material

During the regulated election period, electoral material does not comply with the legislation if it:

- does not contain the name and address of the person authorising the electoral material as explained above
- has been printed, and does not contain the name and the street address of the printer of the electoral material as explained above
- contains voting directions that are misleading
- contains untrue or incorrect statements intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of his or her vote
- contains incorrect or misleading information about a person's candidature for an election
- uses the name of a registered political party in a way that is likely to be misleading
- uses the word 'Independent' and the name of a registered political party suggesting an affiliation with that party (unless the name of that party includes the word 'Independent')
- uses voting directions contrary to the directions on the ballot paper, or that suggest a person tick or cross, leave blank, write on, or repeat or omit a preference on a ballot paper
- could result in an elector voting informally
- suggests voting is not compulsory (except for a council poll)
- contains words or matter that are obscene or offensive or
- is intended or likely to mislead an elector that it is an official communication from the Electoral Commissioner or the NSW Electoral Commission or an electoral services provider.

How-to-vote cards

A how-to-vote card is electoral material with directions or suggestions (whether express or implied) in relation to the casting of votes, whether or not it contains:

- any representation or partial representation of a ballot-paper or portion of a ballot-paper or
- any representation or partial representation apparently intended to represent a ballot-paper or portion of a ballot-paper.

A how-to-vote card does not comply with the legislation if:

- the voting directions relate to two or more council areas
- the candidates do not give first preference to themselves
- it is for a registered political party that has not endorsed a candidate for the election
- it is for a registered political party that does not preference its candidates before all other candidates
- a group does not preference all its candidates before giving preferences to any other candidates
- it contains instructions for voting both above the line and also for below the line, and:
  - the below the line instructions give preferences for only some of the individual members of that group or
  - the below the line instructions give preferences to individual members of that group in a different order from that appearing on the ballot paper
- it contains voting directions without using group voting squares and:
  - does not give preferences for at least half the number of candidates to be elected or
  - does not contain a statement as to how many other preferences must be marked on the ballot paper to cast a formal vote.

For example, if there are seven Councillors to be elected in an undivided council area an elector must vote for at least four candidates that is, half the number of candidates to be elected. A how-to-vote card may be distributed that states:

- Vote: 1 Bill Smith, 2 Mary Jones, 3 Mohamed Kalli, 4 Chris Wong or
- Vote 1 Bill Smith and remember you must vote for at least 4 candidates.

Misleading Information

It is an offence during the regulated period to print, publish or distribute electoral material that contains either voting directions or an untrue statement that is intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of their vote.

This does not extend to the truth or otherwise of political statements that seek to motivate or influence the decision whom to vote for. It refers to the act of marking a ballot paper, for example, instructing an elector to place the number ‘1’ on a ballot paper more than once.

Directions for voting printed on electoral material must be consistent with the requirements for a formal vote as printed on the ballot paper. It is an offence to encourage an elector to vote using a tick or a cross. Electoral material which uses the name, abbreviation, derivative or acronym of the name of a registered political party in a way which may mislead an elector is also illegal.

Accuracy of how-to vote content distributed at voting centres

When including a sample of the ballot paper on how-to-vote material, the details must be an accurate representation of the ballot paper, such as the spelling of candidate’s names, registered political party names and the inclusion and exclusion of the word Independent must appear exactly as they will on the ballot paper for the election. Partial representations of the ballot paper may be accepted.

On the days following the ballot paper draw, the NSW Electoral Commission will make ballot paper templates available at elections.nsw.gov.au. These templates will assist candidates in preparing their how-to-vote material.

It is important to note that how-to-vote material that looks exactly like a ballot paper may confuse electors. This could result in the elector placing the how-to-vote material in the ballot box and

discarding the ballot paper, for example by placing it in a rubbish bin. When this occurs, the ballot paper is not admitted to the count.

Incorrect election date

To avoid confusion, candidates and parties who are considering displaying election posters (in compliance with other laws) before the regulated period starts in late October are encouraged to make changes to any such poster that refers to the previous election date as soon as possible. Other electoral material referring to the previous election date should also not be distributed.

Registration of electoral material for distribution on election day that refers to the previous election date will not be approved. During the regulated period, posters and other electoral material that includes incorrect information about the election date may be subject to compliance action by the NSW Electoral Commission.

Use of coats of arms, logos, trademarks

The coats of arms, logos, trademarks of local councils and other public or private organisations are the property of those bodies. It is recommended approval is obtained from those bodies before they are included on electoral material.

The NSW Electoral Commission will not request that distribution of such electoral material cease, however, those bodies may take legal action against persons involved with the material.

Electoral advertising on radio and TV

There is no requirement to cease any political advertising on radio and television prior to election day.

Writing and drawing or depicting electoral matter

A person must not, during the regulated period, write, draw or depict any electoral matter directly on any property, being a roadway, footpath, building, vehicle, vessel, hoarding or place (whether it is or is not a public place and whether on land or water), unless the person:

- was the owner or joint owner of the property or
- performed the act concerned with the permission in writing of the owner or a joint owner of the property or
- was the owner or joint owner of the premises on which the vehicle, vessel or hoarding was situated or
- performed the act concerned with the permission in writing of the owner or a joint owner of the premises.

These exemptions do not apply to any premises or property occupied or used by, or under the control or management of:

- the Crown or a NSW Government agency, or
- any council or county council.

15.2 Electoral material at a voting centre

Note: The term ‘voting centre’ in the following sections is used to describe all pre-poll voting places and polling places on election day.

Projections of voters at voting centres

Data projections of estimated voter turnout at each voting centre will be published on elections.nsw.gov.au in prior to the election.

This information will be of assistance to candidates, registered political parties and third-party campaigners to plan how many how-to-vote cards they may require at each voting centre and to assist when allocating candidate/party workers to attend each voting centre.

The six metre area

It is an offence to canvass for votes (that is, distribute how-to-vote material, solicit the vote of any elector, induce any elector not to vote for a particular candidate or group) within six metres of the entrance to a voting centre.

It is also an offence to use a loud speaker, amplifier or similar broadcasting device that can be heard within a voting centre or within six metres of the entrance to a voting centre.

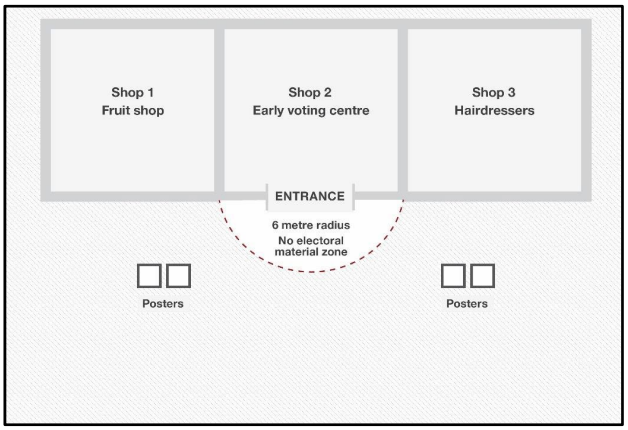
'Distribute' also means placement of electoral material that can be collected by electors.

A person must not, display or cause to be displayed any poster of any size:

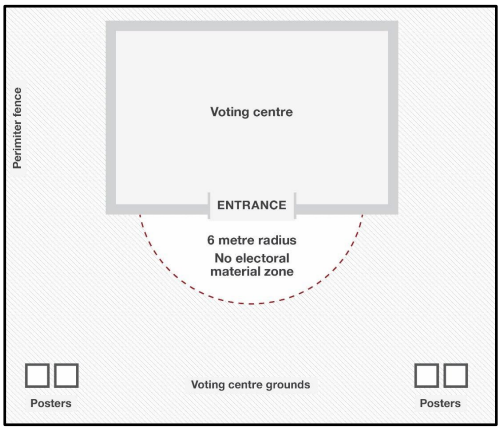
- within a voting centre
- within six metres of an entrance to a voting centre or
- on the exterior of a building used as a voting centre.

Grounds of a building

If a building used as a voting centre is situated in grounds within an enclosure, for example, one building within a school, then only the building is considered the voting centre. The grounds are not deemed to be part of the voting centre.



Pre-poll (early voting centre)



Polling Place (voting centre)

Posters outside of venues

If the NSW Electoral Commission becomes aware of a poster that does not comply with the legislation, it may contact the candidate, registered political party or other organisation responsible to request its removal.

It is important to note, however, that if the poster is within a voting centre, within six metres of the entrance, or on the exterior of a building used as a voting centre, the NSW Electoral Commission is empowered to arrange for the poster to be confiscated and destroyed. The poster may also be retained for later use as evidence.

Storing electoral material

Party or candidate workers are allowed to store materials such as posters and boxes of electoral material in the pre-poll venue overnight. The materials will need to be collected before the opening of the pre-poll venue each day.

Posters and electoral material will remain in covered storage inside the pre-poll venue until they are collected by the party or candidate worker. Each party or candidate worker is responsible for the display of their own posters and distribution of electoral material each day.

15.3 Posters

Display of posters

During the regulated period for a local government election, the NSW Electoral Commission regulates the display of posters in two general ways:

- whether it complies with requirements about its content, e.g. incorrect or misleading information about voting, that it includes the name and address of the person authorising the material, etc.
- whether it has been placed in or on certain places, e.g. posters are not permitted on certain premises, or within 6 metres of venues at which people are voting, etc.

A person must not, during the regulated election period, publically display or permit or cause to be publically displayed, a poster consisting of electoral material that contravenes the law – see Non-complying electoral material.

A person must not, during the regulated election period, display or permit or cause to be displayed a poster on or within any premises occupied or used by, or under the control or management of:

- the Crown or a NSW Government agency
- any council or county council or
- on or within any other premises unless the person was the owner or a joint owner of the premises or, performed the act concerned with the permission in writing of the owner or a joint owner of the premises.

Premises includes any structure or building, so a person who attaches a poster to an electricity or other utility pole without the written consent of its owner is breaching the law.

The following exceptions apply to the display of posters:

- posters may be displayed on the outer wall, fence or other boundary of the grounds of an enclosure in which a building used for voting is situated
- posters may be displayed within the grounds of an enclosure in which a building used for voting is situated
- posters may be displayed on a road or road related area (within the meaning of section 4(1) of the *Road Transport Act 2013* and
- posters may be fixed or attached to a table or stall on a footpath or other public places at any time of day of voting for an election.

Size of posters and their period of display

The NSW Electoral Commission does not regulate the size of posters or the period of when they are displayed.

Candidates and parties must also be aware of other laws about election posters that the NSW Electoral Commission does not regulate. The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 states election posters may also be 'exempt development' not requiring development approval. For example, to be exempt development a poster must (note that other conditions apply):"

- not be more than 0.8m2 in area, and;
- be displayed only during the following periods
  - 5 weeks immediately preceding the day on which the election is held
  - the day on which the election is held
  - 1 week immediately following the day on which the election is held.

The NSW Electoral Commission does not regulate these laws. Candidates and parties should contact their local council or obtain independent advice.

15.4 Authorisation of electoral material

The following table is a summary of the authorisation requirements of electoral material.

Definitions:

The **address of a person** means an address, including a full street address and suburb or locality that is located in Australia at which the person can usually be contacted during the day. The address does not include a post office box.

A **street address of the premises** does not include a post office box number or a DX number.

An **electoral participant** means a party, a registered officer of a party, a candidate, a group of candidates, a third-party campaigner or an associated entity.

Item	Material	Authorisation requirement
1	How-to-vote card, poster, leaflet, sticker, magnet	a) The name and address of the person on whose instructions the material was printed, published, distributed or displayed. b) If the material has been printed, the name of the printer and the street address of the premises at which it was printed.
2	T-shirt, buttons, badges, pens, pencils, balloons	No authorisation required.
3	Electoral advertising in newspapers	The name and address of the person on whose instructions the material was printed, published, distributed or displayed.
4	SMS	The name and address of the person on whose instructions the material was published, distributed, displayed.
5	Robocalls	The name and address of the person on whose instructions the material was published, distributed.

Item	Material	Authorisation requirement
6	Bulk letters and emails	a) The name and address of the person on whose instructions the material was printed, published, distributed or displayed b) If the material is printed, the name of the printer and the street address of the premises at which it was printed. A letter or email sent to a person in reply to a letter or email from that person, or a letter or email sent for personal purposes, does not require the authorisation.
7	Electronic billboard and digital road signs	The name and address of the person on whose instructions the material was published, distributed, displayed
8	Websites	The name and address of the person on whose instructions the material was published, distributed, displayed
9	Electoral advertising on radio and TV	a) If authorised by a party, its name, and the town, city or suburb in which its office is situated, and the name of the person effecting the authorisation or b) If authorised by someone other than a party, the person's name, and the town, city or suburb in which the person lives (or is situated if a corporation), In all cases, the name of every speaker in the advertisement. Note: This is general information – refer to the Australian Communications and Media Authority website: acma.gov.au
10	Social media from an electoral participant – not paid	The name and address of the **electoral participant** on whose instructions the material was published, distributed or displayed Authorisation may be displayed: • In the text of the post, or • In a photograph or image attached to or embedded in the post, or • In the 'about, 'bio' or 'impressum' part of the webpage or profile of the person who made the post
11	Social media post not from an electoral participant where no amount was paid to the platform	No authorisation required
12	Paid Social media posts (for example where an amount was paid to the social media platform)	The name and address of the person on whose instructions the material was published, distributed or displayed. This must be included in all aspects of the electoral matter. The content that contains the electoral matter, such as the text, voice, image or video.
13	Other forms of electronic media and advertising	The name and address of the person on whose instructions the material was published, distributed or displayed.

T-shirts, lapel badges, balloons, etc

The following items are exempt from the electoral material authorisation requirements and are not required to be registered for distribution on election day:

- T-shirts, lapel buttons, lapel badges, pens, pencils and balloons or
- a business or visiting card that promotes the candidacy of any person in an election or
- a letter or other card that bears the name and address of the sender that does not contain a representation or purported representation of a ballot paper for use in an election.

Electoral advertising in newspapers

Advertisements placed in newspapers require the name and address (post office box not acceptable) of the person who authorised the material. The printer is deemed to be the printer of the newspaper.

Advertisements placed in newspapers on election day do not need to be registered.

SMS

SMS communication containing electoral matter must include the authorisation.

If the authorisation would be too long to include in an SMS, the authorisation may be provided at a URL link included in the SMS. Any authorisation provided via a URL link must remain active until the end of the regulated period. Information about telemarketing and spam as it relates to political matters is available at the Australian Communications and Media Authority website: acma.gov.au

Robocalls

A telephone call that is a recorded message containing electoral matter, for example a ‘robocall’, should include the authorisation.

Bulk letters and emails

Emails containing electoral matter sent to multiple or ‘bulk’ recipients must include the authorisation. It is not sufficient to provide the authorisation at a separate URL link included in the email.

Letters containing electoral matter posted to multiple or ‘bulk’ recipients must include the name and address of the sender. If a letter contains a ballot paper representation, the details of the printer are also required.

A letter or email sent to a person in reply to a letter or email from that person, or a letter or email sent for personal purposes, does not require the authorisation.

Advertisements on electronic billboards, digital road signs or other similar device

A person must not, during the regulated period, display any electoral matter on an electronic billboard, digital road sign or other similar device, unless the matter contains, in visible, legible characters, the name and address of the person on whose instructions the matter was displayed.

Electoral advertising on radio and TV

Advertising made on the radio or TV must include:

- if authorised by a party, its name, and the town, city or suburb in which its office is situated, and the name of the person effecting the authorisation or
- if authorised by someone other than a party, the person’s name, and the town, city or suburb in which the person lives (or is situated if a corporation).

In all cases, the name of every speaker in the advertisement.

This is general information only. Information about broadcasting of political advertising on radio and TV is available at the Australian Communications and Media Authority website: acma.gov.au

Social Media

Political parties, candidates, elected Councillors, third-party campaigners and associated entities should ensure their staff are aware of the authorisation requirements in relation to electoral material, particularly when posting publicly on social media during the regulated period.

Definition: Electoral Participant means a party, a registered officer of a party, a candidate, a group of candidates, a third-party campaigner or an associated entity.

Posts by electoral participants where no amount is paid to the platform

If no amount was paid to the social media platform provider in connection with the publication of the post the authorisation must include the electoral participants name and address.

Authorisation may be displayed:

- in the text of the post or
- in a photograph or image attached to or embedded in the post or
- in the ‘about, ‘bio’ or ‘impressum’ part of the webpage or profile of the person who made the post (or on whose behalf the post was made).

Posts not made by an electoral participant where no amount is paid to the platform

Social media posts not made by or on behalf of an electoral participant, if no amount was paid to the social media platform provider in connection with the publication of the post, do not require an authorisation.

Paid social media posts

Authorisation must include the person’s name and address.

Authorisation must be displayed wherever the electoral matter appears, in the content that contains the electoral matter, such as the text, voice, image or video.

Other than for Twitter, it is not sufficient to provide the authorisation only in the ‘about’, ‘bio’ or ‘impressum’ sections of a social media site or application, or at a separate URL.

Authorisations provided via links should remain active until the end of the regulated period.

For Twitter, if the authorisation is too long you may use the ‘bio’ section of the relevant account if it remains in place until the end of the regulated period. Other content such as images and video containing electoral matter that may be attached to a Twitter post must include the authorisation.

Websites and other forms of electronic media and advertising

Websites, applications and other forms of electronic media and advertising containing electoral material must include the authorisation. This includes material that may appear surrounding, in the background of, or laid over the website or application content.

If the authorisation would be too long to include in search text advertisements, such as Google Ads, the authorisation may be provided at a URL link included in the search advertisement. Any authorisation provided via a URL link must remain active until the end of the regulated period.

15.5 Registration of electoral material

Registration of electoral material

All electoral material that is to be distributed on election day by registered political parties, groups, candidates, and any other persons or organisations, must be registered with the Electoral Commission.

It is an offence to distribute electoral material on election day unless the material has been registered by the electoral material registrar, ie the NSW Electoral Commissioner. 'Distribution' also means leaving electoral material in a position and circumstances to indicate that it is intended to be available for collection by members of the public in a public place.

Posters are not required to be registered but they must comply with the requirements detailed in this handbook.

Time period for registration of electoral material

Electoral material submitted for registration will be received by the NSW Electoral Commission head office, not the Returning Officer, in the period commencing on nomination day and ending at 5pm on the Friday 8 days prior to election day.

How to register electoral material

Registered political parties, groups, candidates, and other persons or organisations can access the online registration system following the ballot paper draw on the day after close of nominations, on elections.nsw.gov.au. This involves the completion of the online application form and the uploading of the electoral material to be submitted for registration.

Once the electoral material has been registered online, NSW Electoral Commission staff will check the material. If registration of the electoral material is approved, the applicant will receive a notification of registration. If the material is not registered the applicant will be contacted by the NSW Electoral Commission.

Returning officers have no role in the online registration of electoral material.

If an applicant is unable to register their electoral material online please contact the candidate helpdesk 1300 022 011.

Electoral material registered in a language other than English

An English translation is required to be provided and must be lodged at the same time as the electoral material to be registered.

Display of approved electoral material

Registered electoral material will be displayed on the NSW Electoral Commission website elections.nsw.gov.au from the start of pre poll on Monday two weeks prior to election day until 6.30pm election day.

Electoral material that is registered during the first week of pre poll and prior to the closure of registration of electoral material will be progressively updated to the display of electoral material website.

Accessible electoral material and iVote

It is encouraged that electoral material that is registered is made accessible to assist electors who are blind or have low vision in accessing that material on the NSW Electoral Commission website. Please refer to **EL.228 Accessibility Guide** on the NSW Electoral Commission website for further assistance.

Must clearly identify the party who is distributing the material

The material must clearly identify the person, political party, organisation or group on whose behalf the material is to be distributed.

Missed deadline for registering electoral material

If the deadline for registering electoral material is not met, the electoral material cannot be distributed on election day. It is an offence to distribute unregistered electoral material on election day.

Electoral material distributed before election day must meet legislative requirements previously outlined.

Printing electoral material prior to approval

It is strongly advised that registered political parties, groups, candidates, and other persons or organisations do not print electoral material for distribution on election day prior to its registration being approved.

Electoral material distributed on election day

Not all registered electoral material must be distributed on election day. For example, a person may have registered five items of electoral material. On election day, they may choose to hand out only three of those items. Electoral material may be self-withdrawn by applicants using the online registration system before the closure of registration at 5pm on the Friday 8 days prior to election day.

Ballot paper templates

On the days following the completion of the ballot paper draw by the Returning Officer, the NSW Electoral Commission will arrange for ballot paper templates to be available on elections.nsw.gov.au. These templates will assist candidates in preparing their electoral material, particularly how-to-vote material.

When including a sample of the ballot paper on how-to-vote material, the details must be an accurate representation of the ballot paper, for example, the spelling of candidate's names, registered political party names and the inclusion or exclusion of the word 'Independent'. This information must appear exactly as it will on the ballot paper for the election. Partial representations of the ballot paper may be accepted.

15.6 Complaints and enquiries about electoral material

Assistance

If you have questions about the preparation and registration of electoral material, e.g. before voting starts, please raise those queries using the Contact us form on our website, by emailing us at **candidates@elections.nsw.gov.au** or calling 1300 022 011

Complaints about unlawful electoral material

If you have concerns that electoral material used or published during the regulated election period is or was unlawful, complaints should be made in writing by emailing us at candidates@elections.nsw.gov.au. A complaint should include a copy of the electoral material. For electoral material published on the internet, a URL link or the name of a social media account and a screenshot should be provided

The NSW Electoral Commission conducts elections in accordance with the law and in a transparent, fair and impartial way. While your complaint will be acknowledged, our legislation limits what our response to you, for instance, regarding any investigation or other action that has been taken.

The NSW Electoral Commission will consider its compliance and enforcement policies when reviewing complaints about electoral material. Relevant principles include:

- proportionality: any action decided upon by the NSW Electoral Commission will be proportionate to the seriousness of potential breaches of the law and the surrounding circumstances

- prioritisation: complaints are prioritised according to a number of considerations, including but not limited to legislative timeframes and the known or foreseeable impact of potential breaches of the law and
- use of resources: decisions are made about allegations, including potential investigation and enforcement action, in a way that uses the resources of the NSW Electoral Commission appropriately.

Section 16: Voting before and on election day

16.1 Postal voting

Eligible electors may apply for a postal vote online at elections.nsw.gov.au.

For electors with access to the internet, this is the most efficient way to apply for a postal vote. Electors may also contact our call centre on 1300 135 736 and have a call centre operator complete and online application on their behalf.

It should be noted that registered general postal voters are not required to make a separate postal vote application and will automatically receive their ballot papers for all Federal, State and Local Government elections.

All postal vote applications will be processed through a Centralised Postal Vote Count Centre located in Sydney. Returning Officers do not process postal vote applications.

An elector may apply for a postal vote if they meet certain eligibility criteria. This criteria is available on the NSW Electoral Commission's website elections.nsw.gov.au.

Postal vote application forms are available from:

- elections.nsw.gov.au or
- the Elector Enquiry Centre by phoning 1300 135 736 or
- the returning officer's office.

Postal vote applications must be completed and received no later than 5pm on the Monday prior to election day.

The issuing of postal ballot papers will commence approximately three weeks prior to election day.

Registered general postal voters

Eligible electors can apply to the Australian Electoral Commission prior to the close of rolls to be registered as a general postal voter.

16.2 Pre-poll voting

Pre-poll voting will commence two weeks before election day at a number of pre-poll venues across New South Wales. There will be at least one pre-poll venue appointed in each council area.

The details of the pre-poll voting centres and times of operation will be available at elections.nsw.gov.au.

16.3 Declaration Voting

Electors who are not included on the roll when voting may still be able to cast a vote at a pre-poll venue, or on election day, if they meet certain criteria. These electors will be required to complete a written declaration on an envelope, their ballot paper will be placed in this envelope before being placed in a ballot box.

A written declaration vote will be required by:

- a person whose name does not appear on the electoral roll and who claims it should be
- an elector who is shown as having already voted at the election and who claims this is not the case
- electors who are not enrolled in New South Wales and are eligible to enrol in a council area. To cast an enrolment declaration vote a person must produce a current New South Wales photo driver licence or a New South Wales photo card which includes their new address or
- electors who are enrolled but are eligible to be enrolled in a different council area. To cast an enrolment transfer declaration vote a person must produce a current New South Wales photo driver licence or a New South Wales photo card which includes their new address.

All declaration votes will be returned to the Returning Officer's office to undergo scrutiny and accepted votes will be counted.

16.4 Declared institutions

In past elections some nursing homes, hospitals and aged care facilities were classified as declared institutions, where an election official visits during the week prior to the election to enable voting in person by the residents.

Due to COVID19 there will be no declared institution visits. The NSW Electoral Commission will liaise with declared institutions to assist with postal voting for residents or other voting options.

16.5 Election day

Polling places will be open on election day from 8am until 6pm. Locations of polling places will be listed at elections.nsw.gov.au as well as projection numbers by polling place.

There is no absent voting at local council elections. On election day an elector can only vote at the following polling places:

- undivided council area – at any polling place within the council area in which the elector is enrolled or claiming enrolment
- multi-council – polling places that are located on or near the boundary between two or more council areas may issue votes for more than one council area
- council area with wards – at any polling place within the ward in which the elector is enrolled or claiming enrolment and
- multi-ward – polling places that are located on or near the boundary between two or more wards in a council area may issue votes for all those wards.

Section 17: Assistance to vote

17.1 Candidate information and electoral material

To assist electors in casting their vote, candidate information sheets will be made available on the NSW Electoral Commission website at elections.nsw.gov.au/CIS. These are displayed on the website as nominations are accepted by NSW Electoral Commission. Candidates have the opportunity to add qualifications, employment, membership of organisation information and any other information relating to their experience that may assist electors in casting their vote. Copies of the candidate information sheets will also be available for inspection by electors in pre-poll voting centres and polling places on election day.

Additionally to assist electors, the display of electoral material site will be available from Monday two weeks prior to election day until 6.30pm election day. Electoral material distributed on election day including how to vote cards will be made available to view by members of the public which will assist them voting. The display of electoral material site can be found at elections.nsw.gov.au.

17.2 Assistance to electors when voting

If an elector is unable to vote or complete and sign an electoral paper without assistance, or if the elector is under a religious obligation not to mark a ballot-paper or complete and sign an electoral paper, a person appointed by the elector may assist.

Any elector may seek assistance, however, the following groups have been identified as most likely to do so:

- the elderly
- people with a disability
- people with blindness or low vision
- people with literacy needs and
- people from culturally and linguistically diverse backgrounds.

The person assisting the elector must mark a vote on the ballot paper (and complete and sign any declaration) according to the instructions of the elector.

If the elector is unable to appoint a person, an election official can assist them. Election officials must provide such assistance in the presence of any scrutineers present, or, if there are no scrutineers present, either in the presence of another election official or a person appointed by the elector.

17.3 Electors using a wheelchair or with mobility needs

Voting screens for electors using a wheelchair will be available at polling places and pre-poll voting centres.

All polling places and pre-poll voting centres will also have other equipment to assist electors including maxi-pens, which are extra-large pens for those who are unable to grip regular sized pens, and magnifying sheets for electors who have low vision.

17.4 Braille ballot papers for electors who are blind

Electors may apply to the NSW Electoral Commission to be issued a braille ballot paper as either a postal or pre-poll voter or for voting at a polling place on election day.

An application for a braille ballot paper must be made to the Electoral Commissioner before the roll closes for this election. For further information regarding applying for a braille ballot paper electors can contact the NSW Electoral Commission on 1300 135 736.

17.5 Culturally and linguistically diverse electors

Information and support is available to electors who require language assistance. This includes access to a telephone interpreting service and bilingual election staff where applicable.

Section 18: Counting ballot papers

18.1 Results displayed on the NSW Electoral Commission website

All count results (initial counts, check counts, and distribution of preferences) will be published at elections.nsw.gov.au as soon as they are available.

18.2 Initial counts

After the close of voting on election night, polling place managers and the Returning Officers will endeavour to complete the following initial counts for polling places and some pre-polls. It should be noted that initial counts are undertaken to give an indicative view of the likely outcome but do not form part of the formal ballot counting process for determining the final result.

- Initial count of ballot papers for position of mayor (where applicable), sorting and counting the ballot papers according to the first preference for each candidate, and
- initial count of ballot papers for all councillor positions, sorting and counting the ballot papers according to the first preference for each candidate, and where applicable, the first preference votes for each group marked in its group voting square, and
- referendum and poll ballot papers (where applicable) will not be sorted and counted to the Yes/No votes, but there will be a count of the total number of those ballot papers.

In the week following election day, the Returning Officer will complete:

- any initial counts that weren't completed by the end of election night
- the initial count of declaration votes (Enrolment and Name Already Marked as Voted (NAMAV)
- the initial count of constitutional referendum ballot papers (where applicable) for each venue/ vote type
- the initial count of council poll ballot papers (where applicable) for each venue/vote type.

18.3 Check counts

In the week(s) following election day, ballot papers will undergo a second count. This is referred to as a check count.

For Mayor and Councillor elections, preferences from the ballot papers are data entered into the NSW Electoral Commission's computer count system. This system will determine the formality of each ballot paper based on the preferences entered.

For constitutional referendums and council polls, a check count will only be undertaken if neither the "Yes" nor the "No" tally equals or exceeds 60 per cent of the total formal vote.

18.4 Postal votes

Initial count of postal ballot papers for mayor and councillor positions for all councils will commence at 6pm on election night at the Centralised Postal Vote Count Centre in Sydney and will continue until the close of receipt of postal votes.

Initial count of postal constitutional referendum and council poll ballot papers (where applicable) will be conducted in the week(s) following election day and will continue until the close of receipt of postal votes.

Check count of postal ballot papers will commence on Monday following election day and will continue until the close of receipt of postal votes.

18.5 Centralised count centres

Data entry of mayor and councillor ballot papers will be undertaken using the NSW Electoral Commission vote counting software at various count centres.

All mayor ballot papers (except postal ballot papers) will be data entered at the Returning Officer's office. Postal ballot papers will be data entered at the Centralised Postal Vote Count Centre.

Councils within the Sydney/Wollongong area will have their councillor ballot papers data entered at a centralised count centre in Sydney (Homebush).

Councils within the Newcastle area will have their councillor ballot papers data entered at a centralised count centre in Newcastle.

Councils located outside the Sydney/Wollongong/Newcastle area will have their councillor ballot papers data entered in the relevant Returning Officer's office.

The list of the councils, the locations of the count centres and the estimated count time, will be made available at elections.nsw.gov.au and from the Returning Officer.

18.6 Distribution of preferences

Mayor and Councillor

The distribution of preferences for mayor and councillor is performed by the computer count system to determine the elected candidate(s). The method used to distribute preferences depends on the type of election:

Election type	Method
Mayor	Optional preferential
One Councillor to be elected	Optional preferential
Two or more Councillors to be elected	Proportional representation

Distribution of preferences explanation – optional preferential system

The optional preferential system is described in Schedule 4 of the *Local Government (General) Regulation 2005*.

The optional preferential voting system requires a candidate to receive more than 50 per cent of the non-informal, non-exhausted ballot papers. This is called the absolute majority of votes.

If a candidate is not elected after the count of first preferences, the candidate with the lowest number of votes is excluded – each ballot paper is distributed to candidates remaining in the count according to the next highest preference. If there is none, the ballot paper is set aside as exhausted.

After the distribution of ballot papers, if a candidate has an absolute majority, that candidate is declared elected. If there is still no candidate with an absolute majority, the continuing candidate with the lowest number of ballot papers has their unexhausted ballot papers distributed as above. This process repeats until a candidate is elected with an absolute majority.

Example: If there are 8,756 formal first preference votes in an election the absolute majority is calculated as: 8,756 ÷ 2 = 4,378 + 1 = 4,379.

If a candidate has an absolute majority, that candidate is elected.

If no candidate is elected, the candidate with the least number of votes is 'excluded' which means the excluded candidate's votes are re-sorted to the other candidates remaining in the count according to the second preference shown on each ballot paper.

However, if any of those ballot papers do not have a second preference, or have two or more second preferences on them, those ballot papers are known as 'exhausted' ballot papers and are removed from the count. They are then only used to balance the number of votes at the end of each exclusion, to the number of first preference votes.

The absolute majority is recalculated after every candidate is excluded. The absolute majority reduces after each exclusion due to the exhausted ballot papers not continuing in the count.

The process of exclusions continues until a candidate is elected. The ballot papers of excluded candidates are re-sorted to the second, third, fourth, and next preferences as applicable, until such time as a candidate has an absolute majority of the votes remaining in the count and that candidate is elected.

The process is explained in the following example:

Candidates	First preference votes	Candidate D excluded	Progressive totals	Candidate C excluded	Progressive totals
Candidate A	3,024	250	**3,274**	822	**4,096**
Candidate B	2,552	441	**2,993**	1,189	**4,182 Elected**
Candidate C	2,290	87	**2,377**	**Excluded**	
Candidate D	890	**Excluded**			
Total formal votes	**8,756**	**778**	**8,644**	**2,011**	**8,278**
Informal	278		**278**		**278**
Exhausted		112	**112**	366	**478**
Total Votes	9,034	890	**9,034**	2,377	**9,034**
Absolute Majority	4,379		**4,323**		**4,140**

Distribution of preferences explanation – proportional representation system

The proportional representation system is described in Schedule 5 of the *Local Government (General) Regulation 2005*.

In a proportional voting system, a candidate is elected if they receive votes equal to or exceeding the quota. The quota is determined by first dividing the aggregate number of first preferences by one more than the number of candidates to be elected. The quotient (disregarding the fraction) is increased by 1 to give the quota.

Example: if there are 15,000 formal first preference votes in an election and there are eight councillors to be elected the quota is calculated as: 15,000 ÷ 9 = 1,666.6666, disregard the fraction + 1 = 1,667.

After the count of first preferences is complete, each candidate who has reached quota is elected.

Where an elected candidate has a surplus of ballot papers over the quota, this surplus is transferred to the continuing candidates (i.e. those not yet elected or excluded). If multiple candidates are elected, each candidate's surplus is transferred (one at a time) to the continuing candidates, from the highest surplus to the lowest.

To transfer a surplus, all the ballot papers received by the elected candidate are sorted to their next preferred continuing candidate. Each ballot paper is then worth a portion of that surplus. This portion is called the transfer value. Example: if an elected candidate had 100 ballot papers and their surplus was 10 votes, then each ballot paper would be worth 0.1 of a vote. A continuing candidate receiving 20 of these ballot papers would therefore receive two of the 10 surplus votes.

After each transfer of ballot papers (and their associated votes), if any more candidates have reached the quota, they are elected and added to the queue of surpluses to be transferred. This transfer of surpluses continues (one at a time) until all have been transferred.

Then, if vacancies remain, the candidate with the lowest number of votes is excluded. All the ballot papers received by this candidate, including those received from surplus transfers, are sorted to the continuing candidates according to their next available preference.

This process continues with candidates being:

- elected when their votes equal or exceed the quota, with their surplus distributed as above or
- excluded, with their ballot papers distributed as above

until either:

- no vacancies remain to be filled or
- the number of remaining candidates equals the number of remaining vacancies or
- all remaining vacancies can be filled by candidates whose total votes cannot be overtaken by the remaining candidates in the count.

In these circumstances, the elected candidates are elected despite not reaching the quota.

An example distribution of preferences case study and a detailed report spreadsheet that shows how ballot papers are distributed under the proportional representation system, showing a count of first preferences, a surplus transfer, and an exclusion transfer, is available at elections.nsw.gov.au.

18.7 Recounts

Recounts will only occur if:

- requested by a candidate in writing and the Electoral Commissioner believes it is necessary, or
- are directed by the Electoral Commissioner to be undertaken.

For any recount, the declaration of the results will be delayed until the completion of the recount. Any request for a recount must:

- be in writing
- be signed by the candidate
- set out the reasons for the request and
- be lodged with the Returning Officer within 24 hours after the candidate has been informed by the Returning Officer of the result of the count.

The best way to lodge a recount request is by email to:

- the NSW Electoral Commission at candidates@elections.nsw.gov.au, and
- the Returning Officer.

A candidate who is granted a recount will not be required to cover the cost of the recount.

The Electoral Commissioner will determine how any recount is conducted. For example, depending on the circumstances in which a recount is required, the Commissioner may determine that all or only some of the ballot papers are to be recounted.

18.8 Declaration of the election

When all the votes have been counted, the Returning Officer declares the election in writing, which is an official announcement of the election result. The date of the declaration varies from council to council and depends on the time it takes to count the votes. The declaration will be displayed at the office of the relevant council and published on elections.nsw.gov.au.

18.9 Challenges to election results

Any person may apply to the NSW Civil and Administrative Tribunal (NCAT) for an order to have a person dismissed from civic office. The NCAT may exercise its power to dismiss a person from civic office if it finds that there has been an ‘irregularity’ in the election of a person.

18.10 Filling a councillor casual vacancy

When a casual vacancy occurs after the local government elections in a councillor position (for example through resignation or death), the vacancy is filled by way of a by-election, unless one of the following options is used:

- In the 18 months following the local government ordinary election, a countback election will be conducted, but only if the relevant council passed a resolution at its first meeting after the ordinary election that any vacancy would be filled by a countback of votes and if the vacating Councillor was elected under the proportional representation method (that is, where two or more candidates were elected).
- In the 18 months prior to the next local government ordinary election, the council may receive ministerial approval to leave the position vacant until that next election.

18.11 Filling a popularly elected mayor casual vacancy

When a casual vacancy occurs for a popularly elected mayor (for example through resignation or death), the vacancy is filled by way of a by-election, unless it occurs within 18 months before the the next ordinary election.

If so, the Governor of New South Wales will appoint a Councillor nominated by the council to the vacant office. If the council does not nominate a Councillor, the Governor may appoint one of the Councillors to the office.

Section 19: Formality guidelines for ballot papers

These guidelines about the formality of ballot papers can also be found at elections.nsw.gov.au.

19.1 General formality guidelines

- Ballot papers are read as a whole. Poorly formed numbers are interpreted in the context of other numbers on the ballot paper.
  - A poorly formed number must bear a reasonable resemblance to an identifiable number.
  - Unconventional but recognisable numbers such as a continental 1 or ~~7~~ are acceptable.
  - Numbers written in English words are acceptable (‘one’ is counted as ‘1’, ‘two’ is counted as ‘2’, ‘three’ is counted as ‘3’, etc).
  - Roman numerals are acceptable (‘i’ is counted as ‘1’, ‘ii’ is counted as ’2’, ‘iii’ is counted as ‘3’, ‘iv’ is counted as ‘4’, etc). An ‘X’ is only considered a Roman numeral and counted as 10 when in a sequence of other Roman numerals.
- A number or tick ‘✓’ or cross ‘X’ may be adjacent to but outside a square, or at the end of the candidate’s name, if, in the Returning Officer’s opinion, the elector’s intention is clearly indicated.
- A ballot paper is not informal by reason only that it has not been initialled by an election official if it bears the prescribed mark.
- A ballot paper is not informal by reason only of it having any unnecessary mark or writing (for example drawings or comments) if, in the Returning Officer’s opinion, the elector’s intention is clearly indicated.
- A ballot paper is informal if it has a mark or writing that, in the Returning Officer’s opinion, would enable the elector to be identified and that elector’s name is found on the roll for the council or ward.

19.2 Formality guidelines – single preference required

These guidelines apply to a ballot paper where only a single preference is required:

- a mayoral ballot paper.
- a councillor ballot paper where only one Councillor is to be elected.
- a councillor ballot paper with no group voting squares, where only two candidates are to be elected.
- the ‘Above The Line’ section of a councillor ballot paper with group voting squares regardless of how many Councillors are to be elected.
- the ‘Below The Line’ section of a councillor ballot paper with group voting squares where only two Councillors are to be elected.

A ballot paper, or section of a ballot paper, from the above list is formal if:

- it contains only one first preference '1' but no ticks or crosses (it may contain other preferences).
- it contains only one tick '✓' and no other votes recorded.
- it contains only one cross 'X' and no other votes recorded.
- it contains only one first preference '1' in a square and a cross 'X' (or a line through) in two or more of the other squares and no other preferences.
- it contains only one tick '✓' in a square, and a cross 'X' (or a line through) in two or more of the other squares and no other preferences.

A ballot paper, or section of a ballot paper, on which the elector has recorded a vote by placing in one square the number '1' is not informal by reason only:

- that the elector has recorded the same preference (other than the first preference) on the ballot-paper for more than one candidate, but the ballot-paper is to be treated as if those preferences and any subsequent preferences had not been recorded, or
- of there being a break in the order of preferences recorded on the ballot paper, but the ballot paper is to be treated as if any subsequent preference had not been recorded.

Single-preference formality examples

Formal votes	How votes are counted
1	1
✓	1
X	1
✓,x,x	1
1,x,x	1
1,2,3,4,5	1,2,3,4,5
1,2,4,6,8	1,2
1,2,3,3,3,3,4,4	1,2
1,2,2,2	1
1,2,5,6	1,2
1,4,5,6,7	1
Informal votes	**How votes are counted**
2,3,4,5	Not applicable – the ballot paper is informal
1,1,1	
1,✓,✓,✓,3,4,5	
✓,2,3,4,5	
x,2,3,4,5	
1,2,x,x,4,5,6	
1,✓,x,x,x,3,4,5	
✓,x	
✓,✓,x	
✓,✓,x,x	
1,x	
1,✓	

19.3 Formality guidelines – multiple preferences required

These guidelines apply to a ballot paper where more than one preference is required:

- a ballot paper with no groups where three or more candidates are to be elected.
- a ballot paper with groups but no group voting squares, where three or more candidates are to be elected.
- the 'Below The Line' section of a ballot paper with groups where three or more candidates are to be elected.

The minimum number of votes to be recorded is half (rounded up) of the number of candidates to be elected. For example:

- if there are three candidates to be elected, there must be at least two votes recorded.
- if there are four candidates to be elected, there must be at least two votes recorded.
- if there are nine candidates to be elected, there must be at least five votes recorded.

Note
When counting the votes, any ticks and crosses are ignored.

A ballot paper, or section of a ballot paper, from the above list is formal if:

- the number of votes recorded equals or exceeds the minimum required.
- it contains only one instance of a '1'.

If an elector has recorded the minimum number of votes, a ballot paper, or section of a ballot paper, on which the elector has recorded a vote by placing in one square the number '1' is not informal by reason only:

- that the elector has recorded the same preference (other than the first preference) on the ballot paper for more than one candidate, but the ballot paper is to be treated as if those preferences and any subsequent preferences had not been recorded, or
- of there being a break in the order of preferences recorded on the ballot paper, but the ballot paper is to be treated as if any subsequent preference had not been recorded. The break should not be two or more consecutive numbers.

Multi-preference formality examples (where 9 or 10 candidates are to be elected and therefore a minimum of 5 votes are required)

Formal votes	How votes are counted
1,2,3,4,5	1,2,3,4,5
1,3,4,5,6	1
1,2,3,✓,4,X,5	1,2,3,4,5
1,2,2,2,2	1
1,2,2,3,3	1
1,3,3,5,5	1
1,3,5,7,9	1
1,3,5,7,9,12,12,15,15	1

Informal votes	How votes are counted
1,2,3,4 2,3,4,5,6 1,1,2,3,4,5 1,2,3,4,X 1,2,5,6,7	Not applicable – the ballot paper is informal

19.4 Formality guidelines – ballot papers marked above and below the line

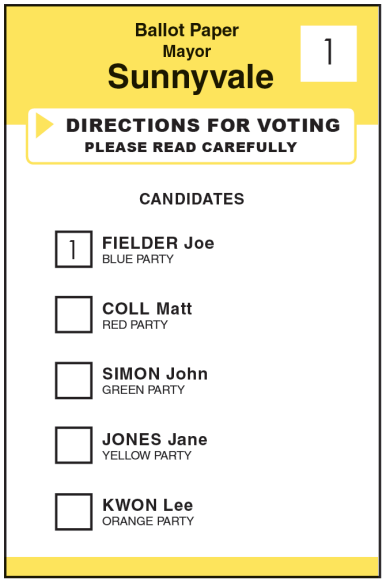
If a ballot paper is marked both 'Above The Line' and 'Below The Line' and both sections are formal, the below the line section takes precedence. If one section (for example Above The Line or Below The Line) is formal and the other informal, the formal section takes precedence.

19.5 Formality guidelines – constitutional referendums and council polls

Separate information will be provided on the NSW Electoral Commission website for the formality of ballot papers for Constitutional Referendums and Council Polls.

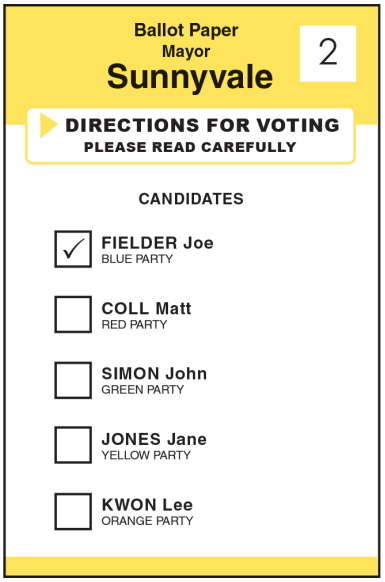
19.6 Ballot paper examples

Mayor ballot paper examples



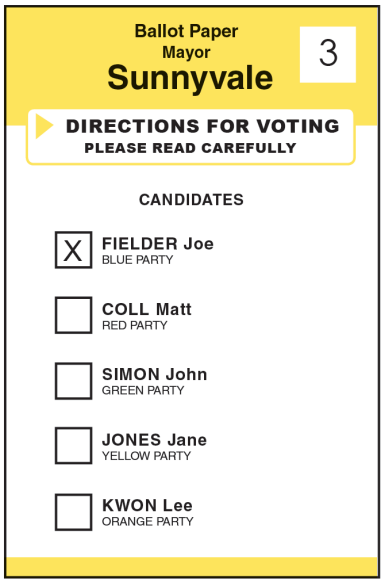
FIRST PREFERENCE COUNT
Formal for Fielder (the number 1 appears only once).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.



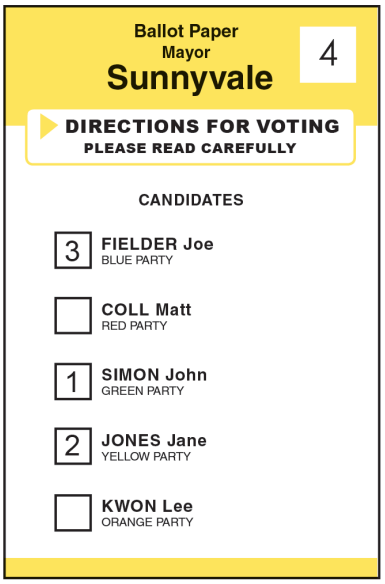
FIRST PREFERENCE COUNT
Formal for Fielder (a ✓ on its own is read as a 1).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.


Ballot Paper
Mayor
Sunnyvale
3
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
X FIELDER Joe BLUE PARTY
COLL Matt RED PARTY
SIMON John GREEN PARTY
JONES Jane YELLOW PARTY
KWON Lee ORANGE PARTY

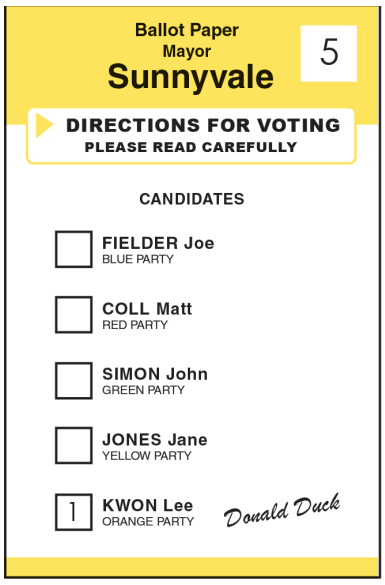
FIRST PREFERENCE COUNT
Formal for Fielder (X on its own is read as a 1).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.


Ballot Paper
Mayor
Sunnyvale
4
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
3 FIELDER Joe BLUE PARTY
COLL Matt RED PARTY
1 SIMON John GREEN PARTY
2 JONES Jane YELLOW PARTY
KWON Lee ORANGE PARTY

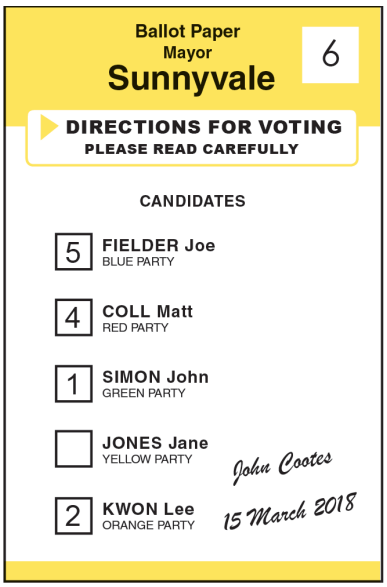
FIRST PREFERENCE COUNT
Formal for Simon (It is not compulsory to number every square).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the third preference.


Ballot Paper
Mayor
Sunnyvale
5
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
FIELDER Joe BLUE PARTY
COLL Matt RED PARTY
SIMON John GREEN PARTY
JONES Jane YELLOW PARTY
1 KWON Lee ORANGE PARTY
Donald Duck

FIRST PREFERENCE COUNT
Formal for Kwon (other marks, writing, drawings and comments should be disregarded).

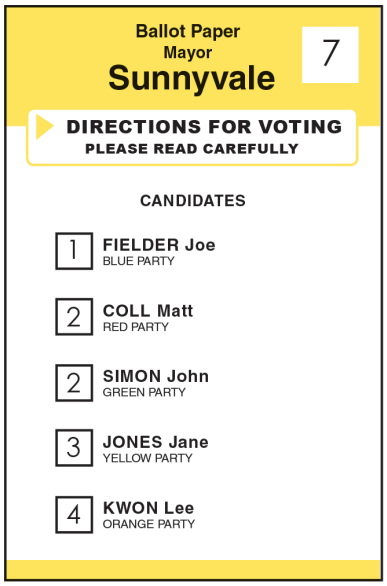
DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.


Ballot Paper
Mayor
Sunnyvale
6
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
5 FIELDER Joe BLUE PARTY
4 COLL Matt RED PARTY
1 SIMON John GREEN PARTY
JONES Jane YELLOW PARTY
John Cootes
2 KWON Lee ORANGE PARTY
15 March 2018

FIRST PREFERENCE COUNT
Formal for Simon. The name John Cootes written on the ballot paper was not found on the council/ward roll.

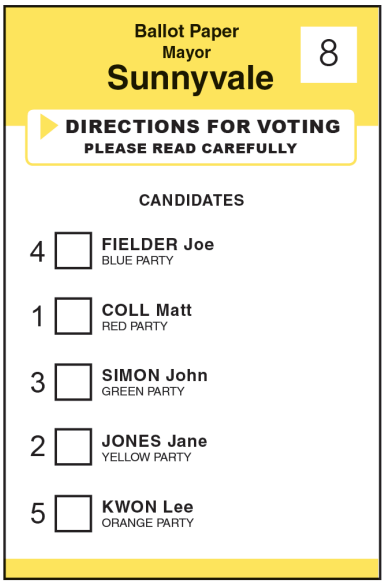
DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the second preference, as the third preference is missing.

If the name was FOUND on the council/ward roll, this ballot paper would be INFORMAL.


Ballot Paper
Mayor
Sunnyvale
7
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
1 FIELDER Joe BLUE PARTY
2 COLL Matt RED PARTY
2 SIMON John GREEN PARTY
3 JONES Jane YELLOW PARTY
4 KWON Lee ORANGE PARTY

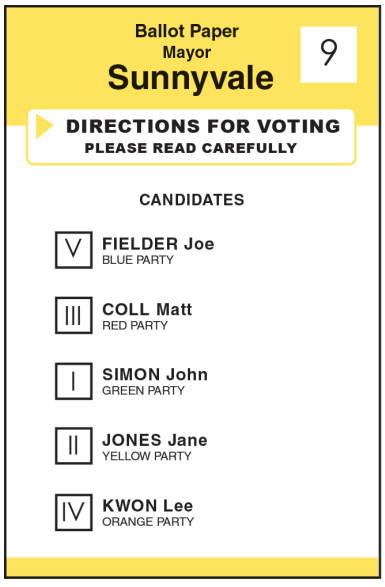
FIRST PREFERENCE COUNT
Formal for Fielder (the number 1 appears only once).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference (as the second preference is duplicated).


Ballot Paper
Mayor
Sunnyvale
8
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
4 FIELDER Joe BLUE PARTY
1 COLL Matt RED PARTY
3 SIMON John GREEN PARTY
2 JONES Jane YELLOW PARTY
5 KWON Lee ORANGE PARTY

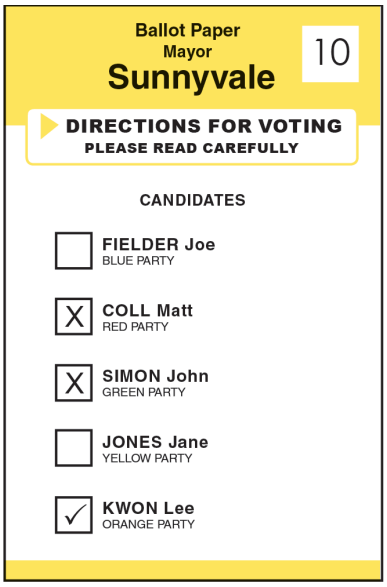
FIRST PREFERENCE COUNT
Formal for Coll (numbers are not in the squares but are adjacent to them and the voter's intention is clear).

DISTRIBUTION OF PREFERENCES
All numbers both in and adjacent to the squares are considered when distributing preferences. This ballot paper would not exhaust as full preferences are indicated.


Ballot Paper
Mayor
Sunnyvale
9
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
V FIELDER Joe BLUE PARTY
III COLL Matt RED PARTY
I SIMON John GREEN PARTY
II JONES Jane YELLOW PARTY
IV KWON Lee ORANGE PARTY

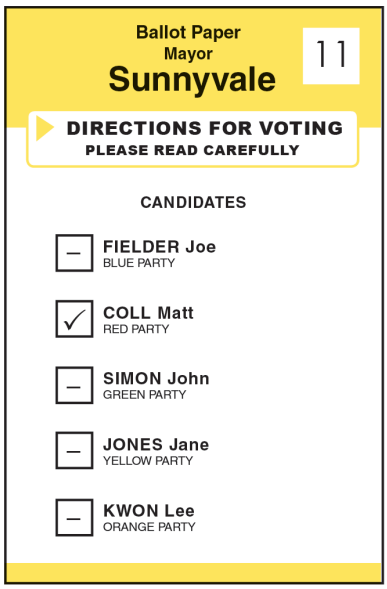
FIRST PREFERENCE COUNT
Formal for Simon. Roman numerals are read as numbers.

DISTRIBUTION OF PREFERENCES
This ballot paper would not exhaust as full preferences are indicated.


Ballot Paper
Mayor
Sunnyvale
10
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
☐ FIELDER Joe BLUE PARTY
X COLL Matt RED PARTY
X SIMON John GREEN PARTY
☐ JONES Jane YELLOW PARTY
✓ KWON Lee ORANGE PARTY

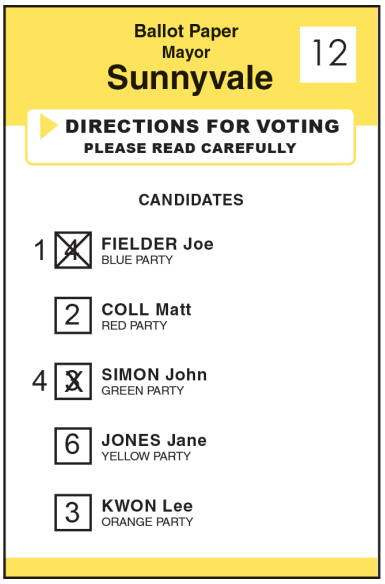
FIRST PREFERENCE COUNT
Formal for Kwon (a ✓ is read as a 1 when two or more crosses or lines appear in the squares, and no other preferences).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.



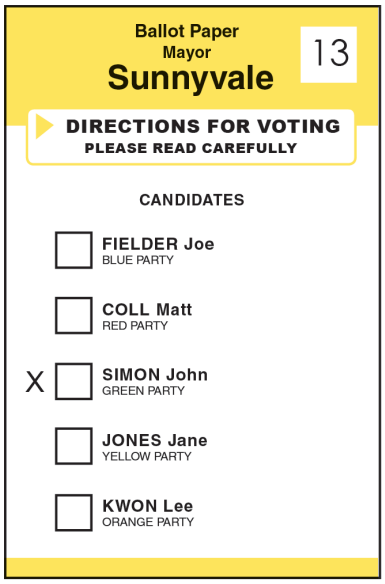
FIRST PREFERENCE COUNT
Formal for Coll (a ✓ is read as a 1 when two or more crosses or lines appear in the squares, and no other preferences).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.



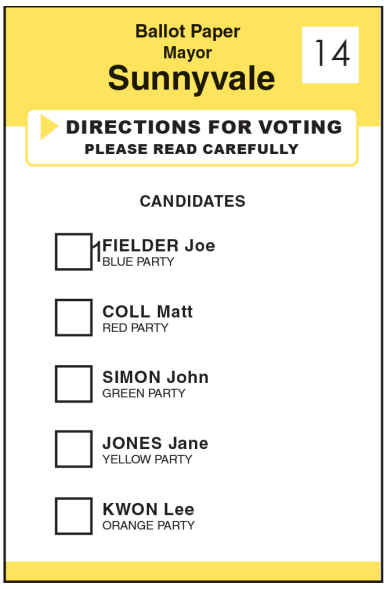
FIRST PREFERENCE COUNT
Formal for Fielder (the number 1 is not in the square but is adjacent to the square and the voter's intention is clear).

DISTRIBUTION OF PREFERENCES
All numbers both in and adjacent to the squares are considered (unless they are crossed out) when distributing preferences. This ballot paper would exhaust after the fourth preference as the fifth preference is missing.



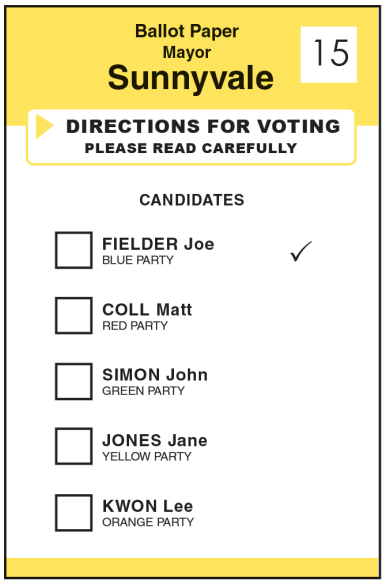
FIRST PREFERENCE COUNT
Formal for Simon (X is not in the square but is adjacent to the square and the voter's intention is clear).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.



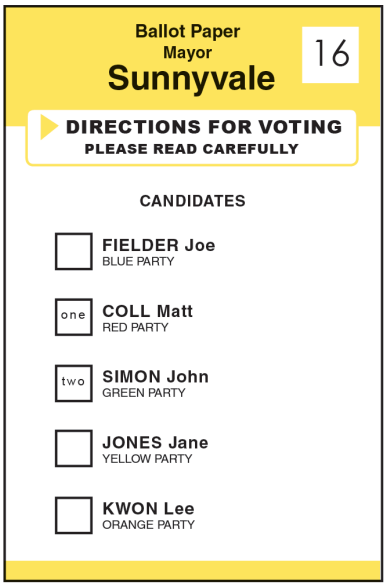
FIRST PREFERENCE COUNT
Formal for Fielder (the number 1 is not in the square but is adjacent to the square and the voter's intention is clear).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.


Ballot Paper
Mayor
Sunnyvale
15
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
FIELDER Joe
BLUE PARTY
✓
COLL Matt
RED PARTY
SIMON John
GREEN PARTY
JONES Jane
YELLOW PARTY
KWON Lee
ORANGE PARTY

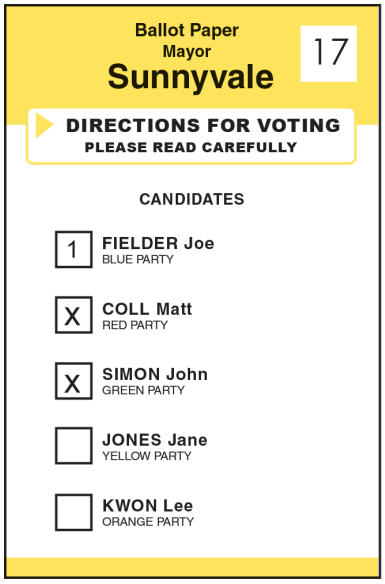
FIRST PREFERENCE COUNT
Formal for Fielder (✓ is not in the square but the voter's intention is clear).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.


Ballot Paper
Mayor
Sunnyvale
16
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
FIELDER Joe
BLUE PARTY
one
COLL Matt
RED PARTY
two
SIMON John
GREEN PARTY
JONES Jane
YELLOW PARTY
KWON Lee
ORANGE PARTY

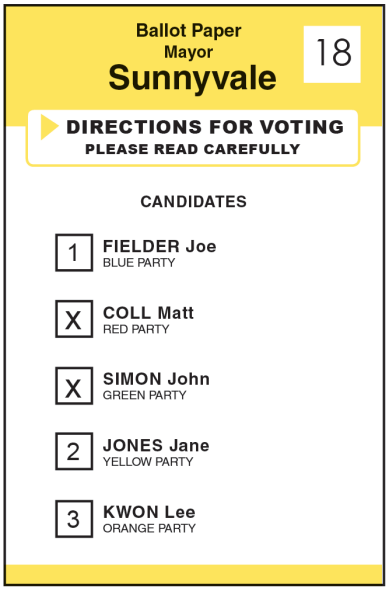
FIRST PREFERENCE COUNT
Formal for Coll (numbers written in words in English are read as numerals).

DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the second preference.

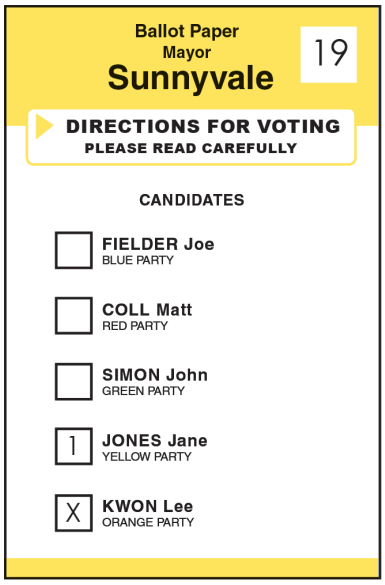

Ballot Paper
Mayor
Sunnyvale
17
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
1
FIELDER Joe
BLUE PARTY
X
COLL Matt
RED PARTY
X
SIMON John
GREEN PARTY
JONES Jane
YELLOW PARTY
KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT
Formal for Fielder (there is only one number 1, and a cross in two other squares, and no other preferences).

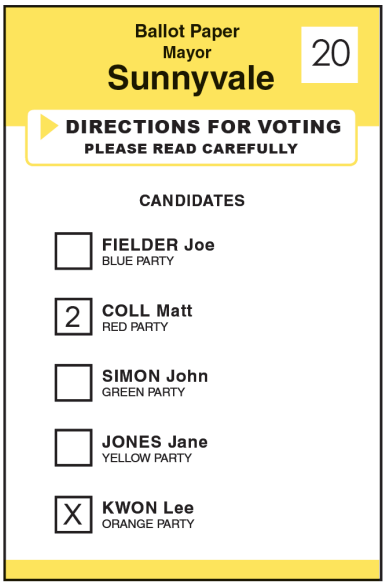
DISTRIBUTION OF PREFERENCES
This ballot paper would exhaust after the first preference.


Ballot Paper
Mayor
Sunnyvale
18
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
1
FIELDER Joe
BLUE PARTY
X
COLL Matt
RED PARTY
X
SIMON John
GREEN PARTY
2
JONES Jane
YELLOW PARTY
3
KWON Lee
ORANGE PARTY

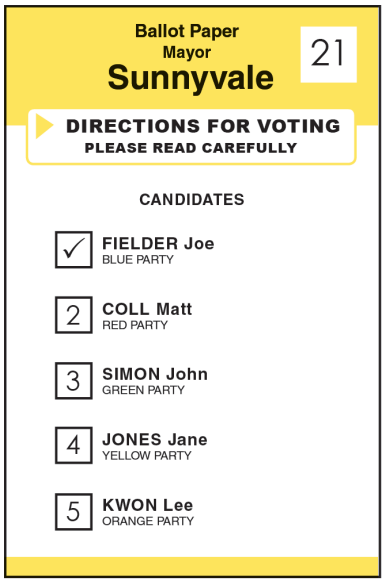
INFORMAL
There is only one number 1, and a cross in two other squares, but there are other preferences present.


Ballot Paper
Mayor
Sunnyvale
19
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
[ ] FIELDER Joe BLUE PARTY
[ ] COLL Matt RED PARTY
[ ] SIMON John GREEN PARTY
[1] JONES Jane YELLOW PARTY
[X] KWON Lee ORANGE PARTY

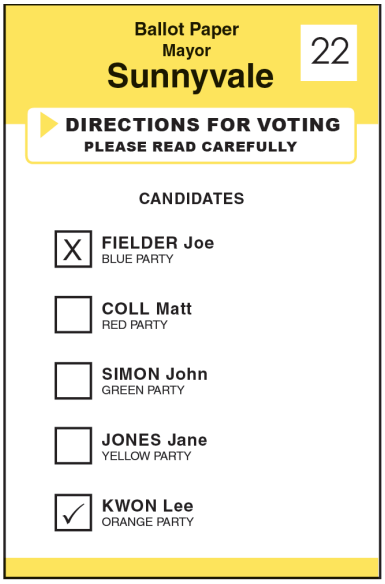
INFORMAL
1 is not formal where there is a single X (or single ✓) in another square.


Ballot Paper
Mayor
Sunnyvale
20
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
[ ] FIELDER Joe BLUE PARTY
[2] COLL Matt RED PARTY
[ ] SIMON John GREEN PARTY
[ ] JONES Jane YELLOW PARTY
[X] KWON Lee ORANGE PARTY

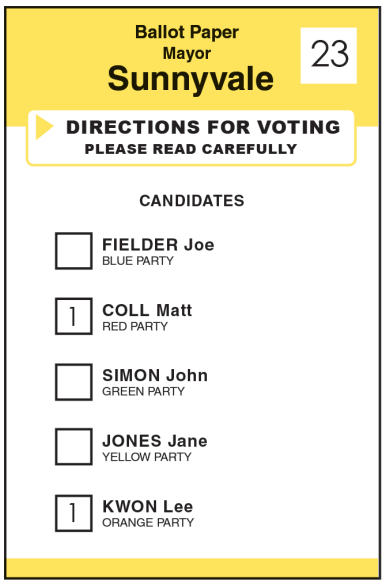
INFORMAL
X is not read as a 1 when there are other numbers present.


Ballot Paper
Mayor
Sunnyvale
21
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
[✓] FIELDER Joe BLUE PARTY
[2] COLL Matt RED PARTY
[3] SIMON John GREEN PARTY
[4] JONES Jane YELLOW PARTY
[5] KWON Lee ORANGE PARTY

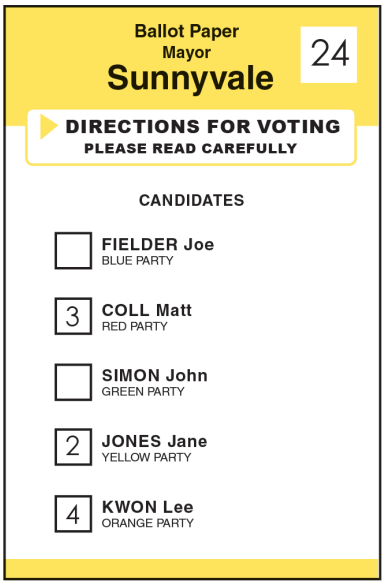
INFORMAL
✓ is not read as a 1 when there are other numbers present.


Ballot Paper
Mayor
Sunnyvale
22
DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY
CANDIDATES
[X] FIELDER Joe BLUE PARTY
[ ] COLL Matt RED PARTY
[ ] SIMON John GREEN PARTY
[ ] JONES Jane YELLOW PARTY
[✓] KWON Lee ORANGE PARTY

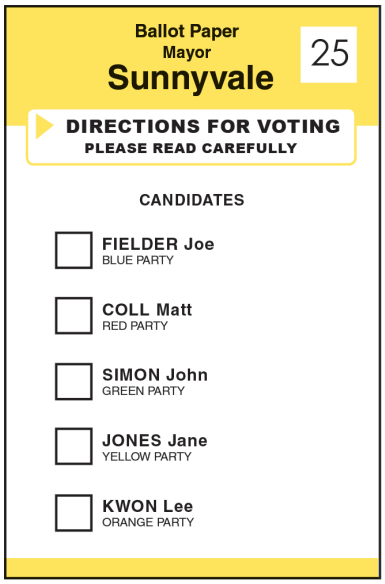
INFORMAL
✓ is not read as a 1 when there is a single cross or single line in another square.



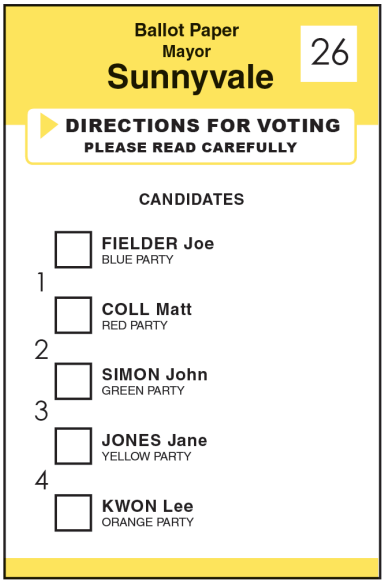
INFORMAL
Two number 1's on the ballot paper.



INFORMAL
No number 1 on the ballot paper.



INFORMAL
The elector has placed the ballot paper in the ballot box without marking it.



INFORMAL
Voter's intention is not clear.
You cannot tell which square the number 1 is adjacent to.

Section 20: Scrutineers

The **Scrutineer Policy LG.215** is available from the NSW Electoral Commission website. The policy describes the role of scrutineers in NSW local government elections for Councillors and Mayors and how scrutineers can comply with the law during the election and the counting of votes.

The policy also aims to make it easier for scrutineers to examine paper ballots, electronic records and data entry records, as well as providing information on the audit process for electronic counting.

Section 21: Party and candidate workers

Candidate and party workers act on behalf of candidates and/or political parties to distribute electoral material (such as how-to-vote cards) at pre-poll voting locations prior to election day and polling places on election day. They are not required to complete any appointment form to engage in these tasks unless they also wish to act as a scrutineer.

21.1 Party and candidate workers at pre-poll voting centres

Party and candidate workers must not distribute electoral material, including how-to-vote cards, or display posters within 6 metres of the pre-poll voting centre. Material cannot be handed out inside the voting area.

Unlike election day, electoral material, including how-to-vote cards, distributed outside pre-poll voting centres are not required to be registered with the NSW Electoral Commission. It must however comply with electoral legislation.

Electors must be given unrestricted access to and from the entry to the pre-poll voting location. Party and candidate workers must not obstruct the entrance to a pre-poll voting centre.

Party and candidate workers may only enter the pre-poll voting centre to cast their vote, or where nominated, to assist an elector to cast their vote.

21.2 Party and candidate workers at polling places

Party and candidate workers outside a polling place on election day must not obstruct access to the polling place.

Party and candidate workers must not distribute electoral material, including how-to-vote cards, or display posters within 6 metres of the entrance to the polling place. Material cannot be handed out inside the voting area.

Electoral material, including how-to-vote cards, distributed anywhere on election day must be registered with the NSW Electoral Commission. It is an offence to distribute unregistered election material on election day.

Party and candidate workers may only enter the polling place to vote, or to assist an elector who has requested their assistance, to cast their vote.

21.3 Recycling of how-to-vote material

Candidates/party workers are not allowed to enter the polling place to recycle how-to-vote material which has been placed in the polling place bin. Similarly, polling place staff are not to go through polling place bins on behalf of candidates/party workers in an attempt to recycle how-to-vote material.

The rubbish bin may contain sharp objects or may contain ballot papers which electors have inadvertently placed in the bin.

Candidate/party workers should be advised that they may request electors to hand the how-to-vote material back to them as the elector exits the polling place.

Section 22: Allegations and offences

All parties, candidates, their helpers and scrutineers, must comply with the electoral and electoral funding laws applicable to local government elections. Potential breaches are dealt with in accordance with the NSW Electoral Commission's Compliance and Enforcement Policy.

22.1 Electoral offences

The NSW Electoral Commission is responsible for investigating and enforcing electoral offences at local government elections. This includes offences relating to the use and distribution of enrolment information.

If you consider a breach of the electoral laws has occurred you may, in the first instance, refer the breach in writing to the Returning Officer for the local government area. The Returning Officer will assess the allegation and endeavour to arrange for the breach to be remedied. If the breach has not been remedied with the assistance of the Returning Officer the breach may be referred to the NSW Electoral Commission for a further review and possible investigation. Alternatively, the breach may be referred directly to the NSW Electoral Commission (refer to details under Section 15: Electoral material).

The display or distribution of electoral material is only regulated by the NSW Electoral Commission during the regulated election period, from the close of rolls that is 40 days prior to election day to 6pm on election day. The rules that apply to electoral material during the regulated election period do not apply outside the regulated election period.

Examples of electoral breaches include:

- Misuse or disclosure of, or failure to comply with, an undertaking regarding enrolment information in a list of electors provided to a candidate or party
- electoral bribery including asking for, or receiving, any property or benefit in order to influence or affect the vote of another person (electoral bribery must be of a serious nature calculated to influence the vote of a particular person in a particular way, and does not include the general provision of food and drink at 'sausage sizzles' or benefit concerts and the like during election campaigns)
- making false or misleading statements or declarations in electoral forms, and improperly signing or witnessing forms
- printing, publishing or distributing non-complying electoral material including how-to-vote cards and posters, for example, by not including the name and address of the person who authorised the material or the name and place at which it was printed

- printing, publishing or distributing electoral material likely to mislead an elector in relation to the casting of a vote, or that falsely appears to have been authorised by the NSW Electoral Commission or Electoral Commissioner
- canvassing or displaying election posters within 6 metres of the entrance to a voting centre on election day
- distributing electoral material on election day that has not been registered
- impersonation of an elector, or voting more than once at an election.

22.2 Electoral funding offences

The NSW Electoral Commission is responsible for investigating and enforcing electoral funding offences at local government elections.

If you consider a breach of the electoral funding laws has occurred you may refer the breach in writing to the Funding Disclosure Compliance and General Counsel Division of the NSW Electoral Commission:

- Email: fdc@elections.nsw.gov.au
- Mail: GPO Box 4046 Sydney 2001

Examples of breaches of electoral funding laws include:

- candidate or group not registered for the election before accepting donations or making payments for electoral expenditure
- third-party campaigner not registered before making payment for $2,000 in electoral expenditure during the capped expenditure period
- failure to update the registered details of a candidate, group or third-party campaigner that is registered for the election
- failure to deposit political donation into a campaign account as required
- payment of electoral expenditure from an account other than a campaign account
- making or accepting unlawful political donations
- failure to know the name and address of a person making a reportable political donation
- failure to keep a record of a reportable political donation and/or issue a receipt to the donor
- making or accepting an unlawful indirect campaign contribution
- failure to disclose political donations or electoral expenditure and
- making a false statement in an application for registration or in a disclosure.