

LG302*

Local Government Act 1995

Local Government (Elections) Amendment Regulations (No. 2) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Elections) Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day the *Local Government Amendment (Elections) Act 2009* section 3 comes into operation.

3. Regulations amended

These regulations amend the *Local Government (Elections) Regulations 1997*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *first preference vote*.

- (2) In regulation 3 insert in alphabetical order:
- electronic counting system* means an electronic system to ascertain the total votes received by each candidate, which may include a process for recording the votes indicated on the ballot papers for an election;
- (3) In regulation 3 in the definition of *election papers* delete paragraph (ba) and “and” after it and insert:
- (ba) a paper record that shows the total votes received by each candidate named on the ballot paper for the election; and
- 5. Regulation 27 amended**
- Delete regulation 27(2) and (3) and insert:
- (2) If the number of votes received by a candidate is at least 5% of the total number of votes included in the count, that candidate’s deposit is to be refunded.
- 6. Regulation 31 amended**
- In regulation 31(1)(i)(ii) delete “preferences” and insert:
- votes
- 7. Regulation 34 replaced**
- Delete regulation 34 and insert:
- 34. One office to be filled — s. 4.69(1)**
- If only one office is to be filled at the election, an elector is to mark the ballot paper by placing a tick in the box opposite the name of the candidate whom the elector wishes to be elected.
- 8. Regulation 35 replaced**
- Delete regulation 35 and insert:
- 35. Two or more offices to be filled — s. 4.69(2)**
- If 2 or more offices are to be filled at the election, an elector is to mark the ballot paper by placing a tick in

the box opposite the name of each candidate whom the elector wishes to be elected but is not to place ticks in more boxes than the number of offices to be filled.

9. Regulation 56 amended

After regulation 56(3)(a) insert:

- (b) the names of any one or more of the candidates not being listed on the ballot paper;

10. Regulation 71 amended

Delete regulation 71(e) and insert:

- (e) to be present after the close of the poll when ballot boxes are opened and during the counting of the votes so as to observe all proceedings at the count.

11. Regulation 75A deleted

Delete regulation 75A.

12. Regulation 75B replaced

Delete regulation 75B and insert:

75B. Use of electronic counting system

For the purposes of Schedule 4.1 to the Act the RO may use an electronic counting system to ascertain the number of votes given to each candidate.

13. Regulation 75C amended

(1) In regulation 75C(3):

- (a) in paragraph (a)(ii) delete “preferences” and insert:

votes

- (b) delete paragraph (b) and insert:

- (b) permit the transmission, by data file or any other electronic means, of the data so recorded to an electronic counting place for use as data by the electronic counting system.

(2) Delete regulation 75C(4)(b) and insert:

- (b) permit the transmission, by fax or any other electronic means, of an image of a ballot paper to an electronic counting place for use in the electronic counting system.

14. Regulation 77A amended

(1) Delete regulation 77A(1) and insert:

(1) In this regulation —

clause 5 means clause 5 of Schedule 4.1 to the Act;

tied candidates means the candidates between whom the drawing of lots is required under clause 5.

(2) In regulation 77A(2) delete “clause 2(2), 7, 8, 18, 21 or 23,” and insert:

clause 5,

(3) Delete regulation 77A(7) and insert:

(7) The candidate whose name appears on the slip obtained by the RO in accordance with subregulation (5) is to be elected.

15. Regulation 80 amended

(1) Delete regulation 80(2)(c) and “and” after it and insert:

- (c) if voting by electors took place, the votes received by each candidate; and

(2) Delete regulation 80(4) and (5).

16. Schedule 1 amended

(1) In Schedule 1 delete Form 10 and the notes after Form 10 and insert:

Form 10. Ballot Paper

BALLOT PAPER

Election of _____¹

Local government district²:

Ward ³ :
Election date ⁴ :

How to vote⁵

Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.

Candidates⁶

	<input type="checkbox"/>

Notes to Form 10

Notes to Returning Officer when preparing the ballot paper

1 Mayor, president or councillor(s)

*Insert "Mayor", "President", "Councillor" or " _____⁷
Councillors" as appropriate.*

2 District

Fill in the name of the local government district.

3 Ward

Fill in name of the ward, or if there is no ward delete this box.

4 Election date

Fill in the election date.

5 How to vote

This 'How to Vote' note is for an election for a mayor, president or one councillor. If the election is for 2 or more councillors replace it with the following note:

How to vote
Place a tick <input checked="" type="checkbox"/> in the box next to each of the candidates you want to elect. You may choose up to _____ ⁷ candidates. If you choose more than _____ ⁷ your vote will be invalid. Do not make any other marks on the ballot paper.

6 Candidates

Insert the names of the candidates in the order determined under section 4.56(a) of the Act. Add more lines if necessary and delete any unused lines.

All names must be in the same size text.

If 2 names are confusingly similar add such descriptions or additions as are necessary to distinguish them from each other.

7 Number of councillors

If the election is for more than one councillor insert the number of councillors to be elected.

(2) In Schedule 1 delete Form 11 (front and back) and insert:

Form 11. Absent Vote Ballot Paper

<p>ABSENT VOTE BALLOT PAPER See back for notes on how to vote</p>

Election of ¹	<input type="checkbox"/>	Mayor
	<input type="checkbox"/>	President
	<input type="checkbox"/>	Councillor(s)

Local government district ² :
Ward ³ :
Election date ⁴ :

Candidates⁵

	<input type="checkbox"/>

Back of Form 11

How to make an absent vote

1 Mayor, president or councillors	Place a tick <input checked="" type="checkbox"/> in the appropriate box.
2 District	Fill in the name of the local government district in respect of which you are voting.
3 Ward	Fill in the name of the ward in respect of which you are voting. If you are voting in respect of a local government district which is not divided into wards, leave this box blank.
4 Election date	Fill in the official election date — not the day you are filling in this form.
5 Candidates	Fill in the names of the candidates. Write one name on each line. You may fill in the candidates' names in any order.
Cast your vote	<p>If the election is for a mayor or president or only one councillor place a tick <input checked="" type="checkbox"/> in the box next to the candidate you want to elect. If the election is for 2 or more councillors place a tick <input checked="" type="checkbox"/> in the box next to each of the candidates you want to elect. You may choose up to the number of candidates as there are councillors to be elected. If you choose any more, your vote will be invalid.</p> <p style="text-align: center;"><i>For example — if the election is for 3 councillors you may tick the boxes for 1, 2 or 3 candidates but if you tick 4 boxes your vote will be invalid.</i></p> <p>Do not make any other marks on the ballot paper.</p>

- (3) In Schedule 1 delete Form 13(a) and (b) and the notes after Form 13 and insert:

Form 13. Postal Voting Instructions

(a) Mayoral/Presidential or Ward Election

Local Government (Elections) Regulations 1997, r. 43(1)(a)

POSTAL VOTING INSTRUCTIONS

Election package	<p>This is your Postal Voting Election Package. It contains:</p> <ul style="list-style-type: none"> • profiles of each of the candidates in your electorate; • a ballot paper; • an elector's certificate^{1, 1a}; and • a ballot paper envelope^{1a}; • a postage pre-paid envelope addressed to the Returning Officer^{1a}. <p>If any of these papers are missing from your package please contact the Returning Officer for your district.</p>
How to vote^{1b}	<ol style="list-style-type: none"> ❶ Decide which candidate(s) you want to elect and mark your choice on the ballot paper. The instructions on the ballot paper tell you how to do this. ❷ Put your completed ballot paper into the ballot paper envelope and seal that envelope. ❸ Fill in and sign the elector's certificate. ❹ Put the ballot paper envelope and the elector's certificate² into the envelope addressed to the Returning Officer and seal that envelope. ❺ Post that envelope to the Returning Officer or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
Any questions	<p>If you have any questions about your Postal Voting Election Package or about how to lodge your vote, contact the Returning Officer for your district.</p> <p style="text-align: center;">Returning Officer³</p> <p>Name: Address:</p> <p>Phone No.: Fax No.: Email address:</p>

Form 13. Postal Voting Instructions

(b) Simultaneous Mayoral/Presidential and Ward Elections

Local Government (Elections) Regulations 1997, r. 43(1)(a)

POSTAL VOTING INSTRUCTIONS

Election package	<p>This is your Postal Voting Election Package. It contains:</p> <ul style="list-style-type: none"> • for the election of the mayor⁴: <ul style="list-style-type: none"> • profiles of each of the candidates; and • a mayoral⁴ ballot paper; • for the election of councillors: <ul style="list-style-type: none"> • profiles of each of the candidates; and • a councillors ballot paper;
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	<ul style="list-style-type: none"> • an elector's certificate^{1, 1a}; • a ballot paper envelope¹; • a postage pre-paid envelope addressed to the Returning Officer^{1a}. <p>If any of these papers are missing from your package please contact the Returning Officer for your district.</p>
How to vote^{3a}	<ol style="list-style-type: none"> ➊ Decide which candidate you want to elect as mayor⁴ and mark your choice on the mayoral⁴ ballot paper. The instructions on the ballot paper tell you how to do this. ➋ Decide which candidate(s) you want to elect as councillor(s) and mark your choice on the councillors ballot paper. The instructions on the ballot paper tell you how to do this. ➌ Put both your completed ballot papers into the ballot paper envelope and seal that envelope. ➍ Fill in and sign the elector's certificate. ➎ Put the ballot paper envelope and the elector's certificate² into the envelope addressed to the Returning Officer and seal that envelope. ➏ Post or deliver that envelope to the Returning Officer or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
Any questions	<p>If you have any questions about your Postal Voting Election Package or about how to lodge your vote, contact the Returning Officer for your district.</p> <p>Returning Officer³ Name: Address: Phone No.: Fax No.: Email address:</p>

Notes to Form 13

Notes to Returning Officer when preparing postal voting instructions

1 Elector's certificate

If the elector's certificate is —

- (a) *attached to the ballot paper envelope insert "which is attached to the ballot paper envelope"; or*
- (b) *printed on the return envelope insert "which is printed on the envelope addressed to the Returning Officer".*

1a Ballot paper envelopes and pre-paid envelopes

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector's certificate, delete these 3 items and insert instead —

- “• a combined ballot paper envelope and postage pre-paid envelope addressed to the Returning Officer with an elector's certificate attached.”.

1b How to vote (Form 13(a))

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and

incorporates the elector's certificate, delete these "How to vote" instructions and insert instead —

How to vote	<ol style="list-style-type: none"> ❶ Decide which candidate(s) you want to elect and mark your choice on the ballot paper. The instructions with the ballot paper tell you how to do this. ❷ Put your completed ballot paper into the envelope provided and seal the envelope. ❸ Fill in and sign the elector's certificate. ❹ Post the envelope to the Returning Officer, or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
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2 **Electors certificate**

If the elector's certificate is:

- (a) *attached to the ballot paper envelope, replace "and the elector's certificate" with ", including the elector's certificate"; or*
- (b) *printed on the return envelope, delete "and the elector's certificate" and renumber 'How to vote' instructions 3 and 4 as 4 and 3 respectively.*

3 **Returning Officer**

Insert the name and contact details of the Returning Officer or, where the Electoral Commissioner has been declared responsible for the conduct of an election, such other contact details as are appropriate.

3a **How to vote (Form 13(b))**

If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector's certificate, delete these "How to vote" instructions and insert instead —

How to vote	<ol style="list-style-type: none"> ❶ Decide which candidate you want to elect as mayor⁴ and mark your choice on the mayoral⁴ ballot paper. The instructions with the ballot paper tell you how to do this. ❷ Decide which candidate(s) you want to elect as councillor(s) and mark your choice on the councillors ballot paper. The instructions with the ballot paper tell you how to do this. ❸ Put your completed ballot papers into the envelope provided and seal the envelope. ❹ Fill in and sign the elector's certificate. ❺ Post that envelope to the Returning Officer, or deliver it to an electoral officer at: <ul style="list-style-type: none"> • the offices of the local government during office hours before election day; or • a polling place between 8 a.m. and 6 p.m. on election day. <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
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4 **Mayor/President**

For an election in a Shire replace "mayor" with "president" and "mayoral" with "presidential".

(4) In Schedule 1 Form 18 on the back of the duplicate copy in the box entitled “What you may do” delete:

- be present when ballot boxes are opened, when preferences indicated on ballot papers are recorded electronically and during the counting of the votes.

and insert:

- be present when ballot boxes are opened and votes are being counted.

(5) In Schedule 1 delete Form 19 and the notes after Form 19 and insert:

Form 19. Results of Election

<p><i>Local Government Act 1995, s. 4.77</i> RESULTS OF ELECTION FOR _____¹</p>

Results	These are the results of the local government election held on _____.
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Mayor/President ²	Candidate	Number of votes ³
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

Therefore _____ is elected as mayor/president² of _____ until _____.

Ward ⁴	Candidate	Number of votes ³
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

Therefore the following people are elected as councillors for the _____ ward. Each councillor will hold office until the date set out next to his or her name.

Name	Expiry of term
_____	_____
_____	_____
_____	_____

Returning officer	Full name:	
	Signature:	Date:

Notes to Form 19

Notes to Returning Officer when preparing results

1 District

Insert the name of the local government district.

2 Mayor or President

Delete "Mayor" or "President" as appropriate.

If the election did not include the election of the mayor or president, delete this box.

3 Elected unopposed or appointed

If a person was elected unopposed under section 4.55 of the Act insert "elected unopposed" in this column.

If a person was appointed by the council of the local government under section 4.57(3) of the Act insert "appointed by council" in this column.

4 Ward

Repeat this box for each ward in the district in which there was an election and insert the name of the ward.

If there were no councillor elections, delete this box.

If the district is not divided into wards but councillors were elected for the district, change the title of this box to "Councillors" and delete the word "ward" in the last line.

(6) In Schedule 1 delete Form 20 and insert:

Form 20. Report to Minister**REPORT TO MINISTER**

Local Government Act 1995, s. 4.79(2)

Local Government (Elections)

Regulations 1997, r. 81

Part 1 — General information

Use one form for each election.

District and date

District (and ward, if applicable) where election held: Election date:	
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Vacancies

Number of vacancies:	
Vacancies unfilled: (i.e. vacancies for which no nominations were received at the close of nominations):	

Type of election

Voting in person:	<input type="checkbox"/>
Postal:	<input type="checkbox"/>
	(Tick one box)

Position/s

Mayor/ president/ councillor*
* Delete whichever is inapplicable.

Number of persons on rolls

Number of persons on owners and occupiers roll	
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Number of persons on residents roll	
Total number of names of persons on rolls (roll, if consolidated)	

Part 2 — Voter turnout

<i>Voter categories</i>	<i>Number of voters</i>
Absent voters whose voting papers were rejected ¹	
Postal voters whose voting papers were rejected ¹	
Absent voters whose voting papers were accepted ²	
Postal voters whose voting papers were accepted ³	
Early voters recorded on roll	
Voters who voted in person on election day recorded on roll	
Provisional voters whose voting papers were accepted ⁴	
Total voter turnout⁵	

¹ Assume the voting papers include a ballot paper for this election.

² Work out using number of accepted absent voter declarations retained.

³ Work out using number of accepted elector certificates retained.

⁴ Work out using number of Form 16s accepted by an electoral officer.

⁵ Total number of eligible electors who attempted to vote by the close of poll.

Part 3 — Number of late arriving postal packages

Number of late arriving postal packages ⁶ :	
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⁶ Include voting packages arriving up to one week after the close of poll. Assume the voting papers include a ballot paper for this election.

Part 4 — Details of candidates and votes

<i>Surname</i>	<i>Other names</i>	<i>Gender</i>	<i>Previous member (yes/no)</i>	<i>Votes received⁷</i>

⁷ Insert the total number of votes received by each candidate.

Insert "unopposed" if the candidate was elected unopposed under section 4.55 of the *Local Government Act 1995*.

Insert "appointed" if the candidate was appointed under section 4.57(3) of the *Local Government Act 1995*.

Part 5 — Ballot papers counted

<i>Ballot papers</i>	<i>Number</i>
Number of valid ballot papers counted	
Number of informal ballot papers counted	

Part 6 — Candidate/s elected

<i>Surname</i>	<i>Other names</i>	<i>Year term expires</i>	<i>Type of vacancy (Ordinary/extraordinary/other)</i>

Returning officer	Full name:
	Signature: Date:

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.
