

Summary of election process

All references cited in the following tables relate to the *Local Government (General) Regulation 2021*.

General manager (or delegate) is the returning officer Sch. 8 cl. 2

The general manager (or a person appointed by the general manager) is the returning officer.

Nominations (Nomination forms enclosed) Sch. 8 cl. 4

- (1) A councillor may be nominated for election as chairperson/deputy chairperson without notice.
- (2) Nominations must be in writing by two or more councillors (one of whom may be the nominee) and include the nominee's written consent to the nomination.
- (3) Nominations are to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the meeting at which the election is to be held.

Resolving method of election Sch. 8 cl. 5

One nomination

The nominee is elected.

More than one nomination

Council must resolve whether the election is to proceed by:

- (a) Preferential *ballot** (Attachment 1 (Sch. 8 Part 3 clauses 10-13) refer to the **green** tables below), or
- (b) Ordinary *ballot** or (Attachment 1 (Sch. 8 Part 2 clauses 6-9) refer to the **red** tables below), or
- (c) *Open voting*** (Attachment 1 (Sch. 8 Part 2 clauses 6-9) refer to the **red** tables below).

**ballot* has its normal meaning of secret ballot.

***open voting* means voting by a show of hands or similar means.

PREFERENTIAL BALLOT

• Ballot-papers and voting Sch. 8 cl. 11

The ballot-papers are to contain the names of all the candidates. Place the numbers '1', '2' and so on against the names listed to indicate the order of preference for all the candidates.

An informal ballot-paper is one that has not been initialled on the front by an election official (except where the ballot-paper bears the name of the council), or contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified (cl. 305(2); cl. 345(1)(b) and (c) and (5)).

An informal ballot-paper must be rejected at the count.

• Count Sch. 8 cl. 12

- (1) If a candidate has an *absolute majority** of first preference votes, that candidate is elected.

PREFERENTIAL BALLOT

- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to the person are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.

***absolute majority** in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

• Tied candidates

Sch. 8 cl. 13

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal - **the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.**
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes - **the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.**

Count: choosing by lot

Sch. 8 cl. 14

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and **the candidate whose name is on the drawn slip is chosen.**

ORDINARY BALLOT OPEN VOTING

• Marking of ballot-papers

Sch. 8 cl. 7

An informal ballot-paper is one that has not been initialled on the front by an election official (except where the ballot-paper bears the name of the council), or contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified (cl. 305(2); cl. 345(1)(b) and (c) and (5)).

An informal ballot-paper must be rejected at the count.

• Count

Sch. 8 cl. 8-9

Count: 2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, **the one elected is to be chosen by lot.**

Count: 3 or more candidates

- (1) If there are 3 or more candidates, **the one with the lowest number of votes is to be excluded.**

- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and **the one with the lowest number of votes from that further vote is to be excluded.**
- (3) If, after that, 3 or more candidates still remain, the procedure set out at (2) above is repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates:
 - (a) The candidate with **the higher number of votes is elected.**
 - (b) If the 2 candidates are tied, **the one elected is to be chosen by lot.**
- (5) If at any stage during a count under (1) or (2) above, 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Count: choosing by lot

Sch. 8 cl. 14

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

Result

Sch. 8 cl. 15

The result of the election (including the name of the elected chairperson and deputy chairperson) must be:

- (a) declared to the councillors at the council meeting at which the election is held by the returning officer, and
- (b) delivered or sent to the Chief Executive Officer and to the Secretary of Local Government NSW.