



Information for candidates

GLENORCHY CITY COUNCIL ELECTION

NOV 2017

 Tasmanian
Electoral Commission

Introduction

Purpose of this booklet

This information booklet is intended to assist candidates at the 2017-18 Glenorchy City Council election. This booklet can be downloaded at www.tec.tas.gov.au. Hard copy versions are also available from the Tasmanian Electoral Commission (TEC) and the Glenorchy City Council

For ease of reading, some sections of the *Local Government Act 1993* have been paraphrased. However, it is important to note that this booklet has no legal status and should not be substituted for the Act itself.

Unless otherwise specified, section references in subject headings are from the *Local Government Act 1993*.

Useful tips: Shaded boxes throughout the booklet highlight practical advice for candidates.

Legislation relating to local government elections

Local government elections are conducted in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulations 2015*. Candidates should refer to the Act and Regulations or seek independent legal advice if they have any queries.

Tasmanian legislation can be viewed or downloaded at www.thelaw.tas.gov.au

Role of the Tasmanian Electoral Commission and returning officers

Candidates should be aware that the role of the Tasmanian Electoral Commission and returning officers is to administer the election in accordance with the *Local Government Act 1993*. While interpretation of the Act forms part of the function of returning officers, it is not their role to provide legal advice to candidates.

It is in the best interests of candidates to obtain legal interpretations from their own legal advisers.

Electoral signs - individual council requirements

Councils have by-laws, planning schemes and policies which regulate the placement and size of electoral signs. Candidates are strongly advised to contact the relevant council to ensure that any signage complies with State and local government laws.

Under the Glenorchy Interim Planning Scheme 2015, Part E 17.7 Table 2 (sign standards) an election sign must comply with the following requirements:

- (a) Area of face no more than 1m²;
- (b) Displayed only between the issuing of a writ for an election and 7 days after the election;
- (c) Does not encroach on any road or other public reservation.

This contrasts with the *Local Government (General) Regulations 2015*, where under clause 21(1) a person must not publicly display a poster or sign, or group of posters or signs, that exceeds 3m².

Candidates with queries about signs bigger than 1m² should contact the Council directly.

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Glenorchy City Council election timetable

| | |
|---|------------------------------------|
| Notice of election to be published | Saturday 25 November |
| Electoral rolls close at 6.00pm | Thursday 30 November |
| Nomination period | 27 November – 11 December |
| Nominations close at 12 noon | Monday 11 December |
| Nominations announced at 12 noon | Tuesday 12 December |
| Ballot material delivered to electors by post | 19-22 December |
| Polling period | 19 December 2017 – 16 January 2018 |
| Close of poll | 10.00am Tuesday 16 January 2018 |
| Results released as available | 16 – 19 January 2018 |

Councillors and aldermen

Councillors for Tasmania's six cities - Burnie, Clarence, Devonport, Glenorchy, Hobart and Launceston - are known as aldermen.

The Mayor and Deputy Mayor of the City of Hobart are known as the Lord Mayor and Deputy Lord Mayor.

In this booklet, and in forms used by the TEC, only the terms "councillor", "mayor" and "deputy mayor" are used. This is consistent with the *Local Government Act 1993*.

Changes since 2014

Since 2014, elections for Tasmania's 29 councils are now held once every four years. This means that mayors and deputy mayors are elected for four-year terms, and that all councillors will retire and become eligible for re-election at the same time.

Section 41 of the *Local Government Act 1993* was amended shortly before the 2014 elections (by the *Local Government Amendment (Mayoral Candidate Eligibility) Act 2014*) to remove the requirement for a candidate for mayor or deputy mayor to have previously been elected or appointed as a Councillor for a 12-month period.

On Wednesday 22 November 2017, two amendment Acts affecting local government elections received Royal Assent:

- The *Glenorchy City Council (Dismissal of Councillors) Act 2017* which dismisses the councillors of the Glenorchy City Council and makes provision in relation to the election to be held subsequent to that dismissal.
- *Local Government Amendment (Targeted Review) Act 2017* which, among other things, provides for an extension to the election timeframes to allow for changes to Australia Post's delivery schedule.

Notice of election

Publication of notice

(section 269)

A local government 'notice of election' is similar to a writ for a Parliamentary election. It specifies the:

- date and time of closure of the roll,
- vacancies to be filled,
- details of entitlement to vote, and
- any other matter the Electoral Commissioner considers appropriate.

The Electoral Commissioner will advertise the notice of election in the relevant daily newspaper on the 8th Saturday before closing day.

Closing day is the last day of the polling period and is set down as the last Tuesday in October every four years unless the Governor changes this by an order under section 268A of the *Local Government Act 1993*.

However, for the current Glenorchy City Council election, closing day is fixed by the *Glenorchy City Council (Dismissal of Councillors) Act 2017* to be 16 January 2018.

Role of Tasmanian Electoral Commission

(sections 264 & 323)

The *Local Government Act 1993* provides that the Tasmanian Electoral Commission and the Electoral Commissioner are responsible for the supervision of local government elections and for undertaking specific tasks.

These tasks include:

- management of the electoral roll;
- the production and despatch of ballot papers;
- approval of forms and procedures;
- the appointment of returning officers;
- public awareness; and
- statutory advertising.

Appointment of returning officers

(section 264)

The Electoral Commissioner will appoint a returning officer for each council. The returning officer has the independent statutory responsibility for the conduct of the election.

Electoral rolls

(section 261)

On request, candidates will be provided with one copy of the relevant electoral roll, at no charge, as soon as practicable after the roll closes.

This may only be used for purposes connected with the election, and penalties apply for misuse.

Nomination

Nomination as a councillor

(section 270)

To nominate, you must be an elector in the municipal area and must not:

- be a councillor of another council whose term of office is to end after the issue of the certificate of election;
- have been barred by a court (under section 48(6), 338A, 339 or 339A) from nominating as a candidate;
- be an employee of the council in that municipal area;
- have previously been removed from the office of councillor because of inadequacy or incompetence;
- be bankrupt;
- be subject to an assessment order or treatment order under the *Mental Health Act 2013* or an order under the *Guardianship and Administration Act 1995*;
- be undergoing a term of imprisonment; or
- have been sentenced for a crime but the sentence has not been executed.

A person may not be a candidate for the office of councillor in more than one municipal area.

Nomination as mayor or deputy mayor

(sections 40, 41, 44 & 303)

The mayor and deputy mayor of a council are elected for a 4 year period by the electors of the municipal area concurrently with the election of councillors.

The Act provides that you are eligible to nominate as a candidate for mayor or deputy mayor if you are eligible to nominate for the office of councillor under Part 15.

You may not:

- be a candidate for both the offices of mayor and deputy mayor concurrently.
- accept the office of mayor or deputy mayor unless you are also an elected councillor.

Nomination forms for the positions of councillor, mayor or deputy mayor can be downloaded from the TEC's website www.tec.tas.gov.au, and are also available in hardcopy at the Tasmanian Electoral Commission and the Glenorchy City Council office.

Candidates contesting two positions need only complete a single nomination form.

Members of Parliament

(schedule 5)

The office of a councillor becomes vacant if, at the time of commencing to hold that office, he or she is a member of the House of Assembly or Legislative Council and remains such a member for 30 days continuously during his or her term of office as a councillor.

The office of a councillor also becomes vacant if he or she becomes a member of the House of Assembly or Legislative Council after commencing to hold the office of councillor and remains a member of Parliament for 12 months continuously.

The nomination form

(section 271)

A nomination form (referred to as a 'notice of nomination' in the Act) must be:

- signed by at least 2 electors of the municipal area;
- signed by the candidate; and
- lodged, posted or faxed so as to be received by the returning officer or electoral officer for the council concerned before the close of nominations.

If your name has changed from that which appears on the electoral roll you must provide the returning officer with:

- evidence in writing of the change of name; and
- a statement specifying the form in which your name is to appear on the ballot paper.

The returning officer may accept a second nomination form in substitution for the first up to 24 hours after the close of nominations if satisfied that the first form:

- needs to be altered, completed, corrected or substituted; and
- was lodged, posted or faxed, and received by the close of nominations.

Late nominations cannot be accepted.

Acceptance or rejection of nomination

(section 272)

The returning officer may accept the nomination if satisfied that:

- the form has been completed;
- your name is on the electoral roll for the municipal area;
- your name is the name you normally use; and
- your name is not obscene, frivolous or assumed for an ulterior purpose.

The returning officer will advise a person whether his/her nomination is accepted or rejected as soon as possible after making the decision.

A person may appeal to the Electoral Commission against the rejection of a nomination no later than 24 hours after the end of the nomination period.

In considering an appeal, the Commission may either direct the returning officer to accept the nomination or confirm the rejection of the nomination. A decision of the Electoral Commission is final.

Withdrawal of nomination

(section 273)

You may withdraw your nomination for an election by lodging, posting, or faxing a notice in writing (which you have signed), which must be received by the returning officer before the close of nominations. Late withdrawals cannot be accepted.

Display of notice of nominations

(section 276)

As soon as possible after 12 noon on the day after nominations close, the returning officer will display a notice at the council office, listing the name and address of each person whose nomination has been accepted. A draw will also be conducted at this time to determine the order of candidates' names on the first rotation of ballot papers for mayor, deputy mayor & councillors.

Candidate statements and photographs

(section 284)

Candidate statements no longer constitute part of the nomination form and must be submitted on-line before the end of the nomination period. (If you have a disability which prevents you from entering your candidate statement on-line, please call the TEC to discuss alternatives.) Their purpose is to provide information about candidates to assist voters in making an informed choice. They are intended to supplement, rather than replace, other means which candidates may use to bring their candidature to the attention of electors. Since 2014 you can also include a photograph with your statement.

The following requirements for candidate statements and photographs have been approved by the Electoral Commission under section 284(4).

Candidate statements

- Statements will accompany the ballot papers sent to each elector and will be published on the TEC's website
- There will be one statement per candidate, even if the candidate is contesting two elections
- Statements are limited to 600 characters, including spaces: this will usually equate to about 100 words
- The heading of your statement will include your ballot paper name and the position(s) you are contesting: these are not included in the 600 characters
- Statements are limited to two paragraphs
- Statements may not include lists or dot points: use semi-colons within paragraphs if necessary
- Statements may be amended or rejected at the Electoral Commissioner's discretion
- You may not mention another candidate by name without his or her written consent
- You may not refer to the office of Justice of the Peace
- You may not refer to giving gifts, donations or prizes
- You are responsible for the accuracy of your statement
- Statements are not compulsory for a valid nomination
- Statements for the Glenorchy City Council election must be submitted before the close of nominations at 12 noon on Monday 11 December 2017

Candidate photographs

- Should be passport style, that is, head and shoulders on a neutral background. However, you may smile and/or wear glasses, as you wish
- Should be recent
- Will be published in black and white at a resolution of 300 dpi
- May be adjusted or rejected at the Electoral Commissioner's discretion

Candidate web links

Candidates are also invited to submit a web link with your candidate statement. This could be your own domain name or, more simply, a "Facebook" page. Web links will only be published on the TEC's website, but are offered as an opportunity to present more detailed policy and personal information to interested voters. Web links will be published at the Electoral Commissioner's discretion, and you are responsible for the content on the linked pages.

Advertising

Requirements for printed electoral advertising material

(section 311)

All articles relating to an election printed or published between the notice of election and the end of the polling period, must contain the true name and address of the person taking responsibility for the article, at the end.

“Address” means an address, other than a post office box or an electronic address—

- (a) at which the responsible person resides; or
- (b) at or through which the responsible person may be readily contacted;

The above requirements apply to any advertisement, direct mail item, sign, circular, pamphlet, handbill, poster, sticker, dodger, and report.

This does not apply to the printing or publication of -

- a leading article;
- an article that consists solely of a report of a meeting and does not contain any comment (other than comment made by a speaker at the meeting) on a candidate at an election or on the issues being submitted to the electors at the election.

Candidate consent: It is an offence under section 278(3) to distribute electoral advertising which contains the name, photograph or likeness of a candidate without his or her written consent.

Authorisation: If you are unsure whether a particular item requires authorisation, it is prudent to authorise it.

Example of authorisation

An example of authorisation follows—

Authorised by Jane Citizen, 1 Long Road, Hobart.

Placement of posters

Electoral posters must be authorised, as mentioned above. Permission to display posters on private property must always be obtained from the owner of the land concerned.

It is generally not permitted to place signs or posters on public land or infrastructure.

Tasmanian councils have specific planning schemes and by-laws regulating the placement and size of election posters. Candidates are advised to check with their relevant councils prior to erecting posters. Please see information provided by councils in the attachment commencing on page 23.

Electoral signs - individual council requirements

Councils have various by-laws, planning schemes and policies which regulate the placement and size of electoral signs. Candidates are strongly advised to contact the relevant council to ensure that any signage complies with State and local government laws.

Under the Glenorchy Interim Planning Scheme 2015, Part E 17.7 Table 2 (sign standards) an election sign must comply with the following requirements:

- (a) Area of face no more than 1m²;
- (b) Displayed only between the issuing of a writ for an election and 7 days after the election;
- (c) Does not encroach on any road or other public reservation.

This contrasts with the *Local Government (General) Regulations 2015*, where under clause 21 (1) a person must not publicly display a poster or sign, or group of posters or signs, that exceeds 3m².

Candidates with queries about signs bigger than 1m² should contact the Council directly. (The Glenorchy Interim Planning Scheme 2015 can be found at www.iplan.tas.gov.au)

Posters and signs

(regulation 21)

Provisions relating to the display of posters and signs are contained in regulation 21 of the *Local Government (General) Regulations 2015* and are set out in full below:

A person must not publicly display a poster or sign or a group of posters or signs containing advertising relating to the election of a candidate if-

- (a) the poster or sign exceeds 3 square metres; or
- (b) the group of posters or signs in total exceeds 3 square metres.

A poster or sign forms part of a group of posters or signs if it is located within 10 metres of another poster or sign.

A candidate must not display, or permit to be displayed, posters or signs containing advertising relating to the election of that candidate exceeding a total number of 50, whether or not the posters or signs contain advertising relating to the election of another candidate.

A person must not publicly display a poster or sign relating to the election of a candidate without the written authority of that candidate.

Permission: Candidates considering affixing signs in public places or to vehicles should ensure they have all required permissions.

Safety: Signs should not be placed in positions that could jeopardise public safety for example, near 'stop' signs, traffic lights, intersections or any other position where road users could be distracted or have their sight obstructed.

Electoral roadside signs

The Transport division of the Department of State Growth have produced the *Tasmanian Roadside Signs Manual* (June 2015). The manual contains the following information on page 82 in relation to electoral signs—

The erection or display of electoral advertising signs within State and Local Government Roads is prohibited. The provisions of Local Authority Planning Schemes and Bylaws together with requirements under the Electoral Act make adequate provision for such advertising.

Queries or complaints related to roadside signs should be directed to the Transport division of the Department of State Growth.

Offence to place electoral matter on electricity poles

It is an offence under section 109(1)(a) of the *Electricity Supply Industry Act 1995* to attach anything to a power pole without proper authority.

The penalty for an offence under this section is a fine of up to \$5,000 for an individual or \$10,000 for a body corporate.

Queries or complaints related to material being attached to electricity power poles should be directed to TasNetworks.

Electronic billboards

It is an offence under section 78(1) of the *Traffic Act 1925* for a person to—

- (a) place or leave an electronic billboard on a public street; or
- (b) place or leave an electronic billboard in a public place if any occupant of any motor vehicle on any public street can, with the naked eye, read any words or make out any images being displayed by the electronic billboard.

Penalty: Fine not exceeding 20 penalty units.

Section 78(2)(a) provides that subsection 1(a) does not apply to electronic billboards that are—

- (a) used for traffic management or road safety purposes by a road authority; or
- (b) used for the purposes of a civil or other emergency by a statutory service within the meaning of the *Emergency Management Act 2006*; or
- (c) placed or left on a public street with and in accordance with the written approval of the Transport Commission.

Further, Section 78(2)(b) provides subsection 1(b) does not apply to an electronic billboard that is placed or left in a public place by, or with the approval of, the owner or occupier of that public place.)

Queries or complaints related to electronic billboards should be directed to the Transport division of the Department of State Growth on 1300 135 513.

Advertising time and space

(section 278 & regulation 22)

The provisions regulating advertising time and space are contained in the *Local Government (General) Regulations 2015* and are set out in full below.

A person must not purchase advertising time on television or radio in relation to the election of a candidate without the written authority of that candidate.

A candidate must not purchase or permit to be purchased advertising time on television or radio in relation to the election of the candidate if the advertising time during the relevant period is likely to exceed-

- (b) 10 minutes on television; or
- (c) 50 minutes on radio.

A person must not purchase advertising space in relation to the election of a candidate without the written authority of that candidate.

A candidate must not purchase or permit to be purchased advertising space in relation to the election of the candidate if the advertising space, during the relevant period is likely to exceed a total of-

- (a) 2 pages of advertising in a daily newspaper circulating in the municipal area; or
- (b) 5 pages in any other newspaper circulating in the State.

The total expenditure for the purchase of advertising time or space by or on behalf of a candidate must not-

- (a) in respect of a single election, exceed a total amount of \$5000; and
- (b) in respect of an election for a councillor and an election for a mayor or deputy mayor, exceed a total amount of \$8000.

Use of candidate name, photograph or likeness

(section 278(3))

It is an offence under section 278(3) for a person, within the relevant period, to print, publish or distribute any electoral advertising that contains the name, photograph or a likeness of a candidate or intending candidate at an election without the written consent of the candidate or intending candidate.

Advertising gifts, donations and prizes

(section 278(5))

A person, within the relevant period, must not print, publish, keep on display, distribute any electoral advertising that refers to the offering, promising or giving by a candidate or intending candidate of a gift, donation or prize to or for any specific club, association or body or to or for clubs, associations or bodies generally.

Penalty: Fine not exceeding 50 penalty units.

Radio and television advertisements

There are Federal legal requirements relating to the broadcasting of television and radio advertisements.

The *Commonwealth Broadcasting Services Act 1992* provides that broadcast political advertisements must include certain 'required particulars'. Radio and television stations can provide more detailed information of the Commonwealth broadcasting requirements.

The Australian Communication and Media Authority (www.acma.gov.au) regulates broadcasting of political and election matters and the content of electronic communications. A fact sheet is available on its website.

Broadcasting blackout

The 'broadcasting blackout' on political advertising contained in the *Broadcasting Services Act 1992* applies only to parliamentary elections, and not local government elections.

Justices of the Peace

Candidates who are Justices of the Peace are advised to take note of the Attorney General's current policy which states that—

The fact that a person is a Justice of the Peace should not be mentioned in or on any papers relating to the candidature of the justice in Federal, State or Local Government Elections whether by the use of the letters "J.P." or otherwise.

This includes all electoral campaign material.

Use of published materials without permission

Reproduction of published materials (e.g. newspaper photos, headlines or articles) is likely to require the permission of the authors and publishers. Candidates should clarify the status of material with the publisher to avoid breaching the *Commonwealth Copyright Act 1968*.

Joint electoral advertising

Regulation 22(6) provides that —

‘A candidate is taken to have incurred the total time and space of, and expenditure involved in, advertising which promotes that candidate, in respect of an election, irrespective of whether or not that electoral advertising also promotes another candidate.’

In other words, in the case of joint advertising, all candidates involved are required to declare the total time and space and expense of any advertisements in their electoral advertising returns.

Electoral advertising return

(section 279)

Candidate return

All candidates must lodge with the Electoral Commissioner an electoral advertising return within 45 days after the day the certificate of election is given.

This return must—

- be signed before a Justice of the Peace or Commissioner for Declarations; and
- include details of all ‘relevant electoral advertising’, together with all invoices, accounts or receipts received.

In their returns, candidates are required to declare the following —

- Time purchased for any television advertisements, and the cost of that purchase.
- Space purchased for any newspaper advertisements, and the cost of that purchase.
- The maximum size, and total number of promotional signs and posters displayed by the candidate.

While pamphlets and leaflets must be properly authorised under section 311, there are no provisions restricting the number which may be distributed by a candidate, or their cost.

An example of the Candidate’s Electoral Advertising Return follows.

Candidates must complete an electoral advertising return, even a nil return: it is an offence not to complete and lodge a return with the Electoral Commissioner (section 279).

Media return

Electoral advertising returns are also required from anyone who prints, publishes, or broadcasts electoral advertising. Therefore, all media and publishers involved in electoral advertising must also lodge a return.

Electoral advertising return forms: The TEC will send advertising return forms to all candidates and the media. Forms will also be available on the TEC’s website at www.tec.tas.gov.au.

Canvassing for votes

(Section 312(3)(d))

Section 312(3)(d) states—

A person must not personally attempt to induce an elector within the elector’s residence during the polling period to vote or not to vote for a particular person.

This is not intended to be a full ban on doorknocking.

At the time this provision was introduced in Parliament, it was stated that it will still allow canvassing at the front door but will give the elector the protection of not being pressured by candidates or canvassers while in the act of recording his or her postal vote.

Candidate's Electoral Advertising Return

| | |
|--|---|
| *RELEVANT PERIOD for electoral advertising | 26 October 2017 - 10 am 16 January 2018 |
|--|---|

Before completing this return, please carefully read all information on the reverse side and refer to the Candidate's Information booklet. Provisions relating to 'Posters and Signs' and 'Advertising Time and Space' are in the *Local Government Act 1993* and *Local Government (General) Regulations 2005* and are summarised in the Candidate Information booklet. An example of a completed return appears in the booklet.

If you do not have a copy of the Candidate information booklet, or if you need advice on how to complete this form please contact the Tasmanian Electoral Commission on 1800 801 701. We will be happy to assist.

CANDIDATE DETAILS (PLEASE PRINT)

| | |
|---|---|
| Given names JOHN WALTER | Surname CITIZEN |
| Address for correspondence 1 Long Road GLENORCHY Postcode 7010 | |
| Contact phone numbers | Home: 6212 3456 Work: 6256 4321 Mobile: 0418 123 456 |
| Name of Council Glenorchy City Council | Office(s) contested <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Deputy Mayor <input checked="" type="checkbox"/> Councillor |

ELECTRONIC & PRINT MEDIA

| Type of Media | Time/Space | Cost |
|---|------------|----------|
| Television (total time purchased) | 5 minutes | \$ 1,000 |
| Radio (total time purchased) | 30 minutes | \$ 600 |
| Daily Newspapers - total space purchased (show as pages or fractions of pages) | 1/10 pages | \$ 500 |
| Other newspapers - total space purchased (show as pages or fractions of pages) | nil pages | \$ nil |
| Total expenditure on time and space | | \$ 2,100 |

Note: All electronic and print media advertising purchased by the Candidate during the *relevant period must be included in the above section.

SIGNS & POSTERS

| | | |
|--|---|---------------------------|
| Signs and Posters containing electoral advertising displayed by or on behalf of the Candidate during the relevant period | Maximum poster size 1 square metres | Total number 50 |
|--|---|---------------------------|

Candidate Declaration

I declare that the information I have given on this form and all attached supporting documentation is true, complete and accurate.

Signature of candidate

J. Citizen

Declared at **Glenorchy**this **5th** day of **February** 2018

Before me,

J P Justice

Justice of the Peace/Commissioner for Declarations

NOTE: Supporting documentation must be attached - including all invoices, accounts, receipts etc.

Form approved TEC May 2014

'Prescribed' and 'relevant' periods

Below is a summary only of some of the periods relating to restrictions on candidates at local government elections. The time periods shown below are for the Glenorchy City Council election.

| Section/ regulation | Subject | Period |
|-----------------------------------|---|---|
| s.311 | Authorisation of electoral 'articles' Electoral 'article' includes any advertisement, direct mail item, sign, circular, pamphlet, handbill, poster, sticker, dodger and report | 'prescribed period' – means the period commencing on the day on which the notice of election is advertised and ending on the closing day. 25 November 2017 – 16 January 2018 |
| s.314(3) | The supply of food, drink or entertainment with a view to influencing the vote of an elector during the period opposite. | 'relevant period' – starts on the 30th day before the notice of election and finishes on polling day. 26 October 2017 - 16 January 2018 |
| s.314(4) & (5) | Gifts or donations to clubs associations or bodies (regular donations may be excepted) | 'relevant period' – starts on the 30th day before the notice of election and finishes on polling day. 26 October 2017 - 16 January 2018 |
| s.3, s.278, s.279 reg 22 | Limit on 'electoral advertising' expenditure Reporting of 'electoral advertising' expenditure | 'relevant period' – starts on the 30th day before the notice of election and finishes on polling day. 26 October 2017 - 16 January 2018 |

Voting

Who can vote at a local government election

(sections 254 – 258)

Anyone who is enrolled on the State roll for an address in a municipal area, is automatically enrolled for the municipal area as well.

Other people who own or occupy land in the municipal area, or are the nominated representatives of a corporate body which owns or occupies land in the municipal area, are also eligible to enrol, but must lodge an application with the General Manager.

Voting in Tasmanian local government elections is not compulsory.

Order of names on ballot papers

(section 288 and regulations)

The Electoral Commissioner is to prepare and print ballot papers.

The order of candidates' names on the ballot papers is rotated in accordance with the "Robson Rotation" system, as set out in the regulations.

This system rotates the names of the candidates so that each name appears in each position on the ballot paper.

The returning officer will conduct a draw to determine the random order of candidate names for the first rotation.

Postal ballot pack

(section 284)

All enrolled electors will automatically be sent a postal ballot pack. The postal ballot pack will contain:

- voting instructions;
- ballot papers;
- a booklet containing candidate statements and photographs;
- a ballot paper envelope in which to place the completed ballot paper(s); and
- a reply paid envelope to return the ballot paper envelope at no cost to voters.

Replacement postal ballot pack

(section 286)

An elector may be issued with a supplementary postal ballot pack if he or she has not received the original pack, has spoiled the contents, is entitled to vote but is not on the list of electors, or is absent from his or her enrolled address.

Electors may request a replacement pack from the Tasmanian Electoral Commission in writing or by phone. Electors may also apply and vote at the issuing place(s) appointed for their council (usually located at the council office(s)).

In the case where a replacement postal ballot pack has been issued to an elector, security measures are in place to ensure that an elector can cast only one vote.

“Express” voting

(section 285)

Express voting is a service that allows voters to receive a ballot paper image and declaration form by email or fax. The voter must then complete the ballot paper, sign the declaration and return both documents by post, email or fax. Express voting is only available to voters who – during the polling period – are overseas, interstate, or in remote areas of Tasmania. Tasmanians stationed in Antarctica are also eligible to have an Express Vote.

While express voting is significantly faster than postal voting, the secrecy of the ballot cannot be guaranteed.

Security and privacy of the postal ballot

(section 285)

The Tasmanian Electoral Commission takes very seriously the right of electors to cast their vote in a secret and secure manner. To this end, in conjunction with Australia Post security personnel, there are a number of measures in place to ensure the safe delivery and return of your ballot paper. In particular:

- to protect the privacy of the elector in the postal system, no elector details are shown on the reply-paid envelope,
- to ensure the secrecy of the vote, the elector declaration is printed on a perforated extension of the flap of the ballot paper envelope,
- to verify that the eligible elector has voted on the ballot paper, he/she must sign the declaration flap;
- these declaration flaps are removed from the still sealed envelope and stored separately, usually on the same day the envelope is received by the returning officer, and
- as a separate process after the close of the poll, all envelopes are opened and the ballot papers removed.

Close of poll (closing day)

(section 268A)

Closing day is the last day of the polling period.

Closing day for the Glenorchy City Council elections is fixed by the *Glenorchy City Council (Dismissal of Councillors) Act 2017* to be 16 January 2018.

For other elections, closing day is set under the Local Government Act to be the last Tuesday in October every four years, unless the Governor fixes another day. The Electoral Commissioner sets the hours of the polling period. In 2018, the closing day is 30 October, and the Electoral Commissioner will likely determine that the polling period will end at 10am on that day. All votes must be received by this time.

How to return a vote

Electors should return their ballot papers by post as soon as possible, to ensure they are received in time.

As an alternative, electors can physically deliver their vote by placing it in the ballot box at the council or the office of the returning officer. However, the ballot papers must still be sealed within the signed ballot paper declaration envelope.

Formality & informality

Formal votes

(sections 289, 290 & 300 & schedule 6)

Voters are encouraged to record a preference for all candidates on the ballot paper.

For a councillor ballot paper to be formal, the elector must record a preference for at least as many candidates as there are councillors to be elected. The elector must consecutively number his or her preferences, starting from 1.

For example, if there are 17 candidates and 9 councillors are to be elected, to cast a formal vote an elector must number at least 1, 2, 3, 4, 5, 6, 7, 8 and 9 on his or her ballot paper but may continue part or all the way to 17.

For a mayor or deputy mayor ballot paper to be formal, the elector must mark the ballot paper by placing the number 1 in the box next to the name of the candidate of the elector's first preference.

Informal votes

(section 300 & schedule 6)

A ballot paper will be treated as informal if:

- no vote has been recorded on it;
- the vote is recorded on the ballot paper otherwise than in accordance with section 290 (see above formality requirements);
- it contains a mark or writing which will identify the voter; and
- it has not been appropriately authenticated.

A ballot paper is not to be treated as informal if, in the opinion of the returning officer, the elector's intention is clearly indicated.

Scrutineers

Role of the scrutineer

(section 293)

A candidate is entitled to appoint one or more scrutineers. Scrutineers may not be candidates at that election.

The role of the scrutineer is to represent the candidate at any place where ballot material is sorted, checked or counted.

While acting as a scrutineer, a person must not:

- fail to comply with a reasonable direction given by an electoral officer;
- interfere with or attempt to influence an elector or other person;
- communicate with a person except if necessary to do so while scrutineering; or
- without authority, touch or interfere with ballot material.

Your returning officer will be happy to advise you when the issue, scrutiny and counting of ballot papers is taking place, and the number of scrutineers permitted.

Appointment of scrutineers

(sections 292 & 293)

The appointment of a scrutineer is to be:

- in an approved form; and
- signed by the candidate and the scrutineer.

Signed appointment forms are to be presented to the returning officer or the electoral officer in charge who will provide an identity badge to be worn by the scrutineer.

Appointment forms: the returning officer will provide appointment of scrutineer forms to candidates. A copy will also be available at www.tec.tas.gov.au.

Filling a casual vacancy

A councillor casual vacancy is filled by recount, if possible, unless that vacancy occurs during the period commencing 6 months before the day on which the notice of election for a forthcoming council election is to be given.

What is a recount?

(sections 307 & 308)

In a recount, the electors who elected the vacating member determine that councillor's replacement. Therefore, only the ballot papers received by the vacating councillor are distributed in the recount.

The elected candidate remains as a councillor until the next ordinary council election.

Candidates contesting a recount

(section 307 & Schedule 8)

A person may be included in a recount for a vacancy so long as he/she:

- was a candidate not elected at the relevant election;
- remains eligible (see 'Nomination' section); and
- consents to be included in the recount.

Consent to contest a recount

(section 307)

The Electoral Commissioner is required to notify candidates that a recount will take place by either:

- written notice sent to each eligible candidate; or
- an advertisement published in a local daily newspaper.

If a candidate wishes to be included in a recount, he or she can provide written consent by hand, post, fax or scan.

Written consent must be received by the Electoral Commissioner at or before noon, on the 8th day after the notice of vacancy.

Notification to candidates

(schedule 8)

Candidates who have consented will receive a notice detailing the time and location at which the re-count will take place. Recounts will be finalised within 7 days of the close of nominations.

Scrutineers

(section 292 & 293)

A candidate for the recount may appoint a scrutineer to represent him or her. See 'Scrutineers' section for more information.

By-elections

(sections 46 & 308)

By-elections will only occur when:

- a vacancy cannot be filled by recount
- the vacating councillor is also the mayor: in this case the councillor vacancy is filled at a by-election held concurrently with the mayoral by-election

Hare-Clark electoral system

The Hare-Clark electoral system is a Single Transferable Vote (STV) method of proportional representation used in multi-member electorates. Single transferable vote means that a ballot paper moves between candidates as determined by the elector's preferences.

Where does the name Hare-Clark come from?

Thomas Hare was an Englishman who, in 1856, proposed the idea of a proportional representation election system which was further developed and became known as the Hare system. Andrew Inglis Clark, Tasmanian Attorney-General, introduced a modified version of the Hare system into Tasmanian law in 1896. This system is now known as the Hare-Clark electoral system.

How is a candidate elected?

A candidate is elected when his/her total number of votes equals or exceeds the quota.

What is the quota?

The quota is the lowest number of votes a candidate needs to be certain of election.

To calculate the quota, the number of formal votes is divided by one more than the number of candidates to be elected. This figure is then rounded up to the next whole number.

2 decimal places: Due to the relatively small number of electors in some municipal areas, votes for each candidate in all councils will be calculated to 2 decimal places during the distribution of preferences to reduce the loss of votes by fraction.

A more detailed explanation can be found on our website.

Offences – as set out in the *Local Government Act 1993*

Electoral advertising

section 278

- (1) A person must not during the relevant period use electoral advertising with a view to promoting or procuring the election of the candidate at an election otherwise than in accordance with the regulations.

PENALTY Fine not exceeding 100 penalty units.

- (2) If a court convicts under this section a candidate who is successful at an election, the court must declare that candidate's election void, unless the court is satisfied that there are special circumstances that make it undesirable or inappropriate for it to make such a declaration.

- (3) A person, within the relevant period, must not print, publish or distribute any electoral advertising that contains the name, photograph or a likeness of a candidate or intending candidate at an election without the written consent of the candidate or intending candidate.

PENALTY Fine not exceeding 50 penalty units.

- (4) Subsection (3) does not apply to -
- (a) any matter printed, published or distributed by or on behalf of the Electoral Commissioner in the exercise or performance of his or her powers and functions; or
 - (b) any electoral advertising by means of any broadcast by radio or television or by a repeat on the internet of any such broadcast.
- (5) A person, within the relevant period, must not print, publish, keep on display, broadcast or distribute any electoral advertising that refers to the offering, promising or giving by a candidate or intending candidate of a gift, donation or prize to or for any specific club, association or body or to or for clubs, associations or bodies generally.

PENALTY Fine not exceeding 50 penalty units.

Return in relation to electoral advertising

section 279

- (1) Within 45 days after the day on which the returning officer gives a certificate of election, every candidate must sign and declare before a justice or a commissioner for declarations and lodge with the Electoral Commissioner a return in an approved form stating the candidate's relevant electoral advertising.

PENALTY Fine not exceeding 30 penalty units.

- (2) A return under subsection (1) is to be accompanied by any invoice, account or receipt in respect of electoral advertising.
- (3) Any person who prints, publishes or broadcasts electoral advertising is to lodge a return in an approved form with the Electoral Commissioner within 45 days after the day on which the returning officer gives a certificate of election.

PENALTY Fine not exceeding 30 penalty units.

Electoral articles to be signed

section 311

- (1) A person must not, during the prescribed period, print, publish, keep on display or distribute an article relating to an election that does not contain the true name and address of the responsible person at the end of the article.

PENALTY Fine not exceeding 5 penalty units.

- (1A) An article is published or kept on display by a person if the publication or display is published or kept on display with that person's consent.
- (2) This section does not apply to the printing or publication of -
- (a) a leading article; or
 - (b) an article that consists solely of a report of a meeting and does not contain any comment (other than comment made by a speaker at the meeting) on a candidate at an election or on the issues being submitted to the electors at the election.
- (4) In this section -
- "address" means an address, other than a post box or an electronic address—
- (a) at which the responsible person resides; or
 - (b) at or through which the responsible person may be readily contacted;
- "article" includes any advertisement, direct mail item, sign, circular, pamphlet, handbill, poster, sticker, dodger and report;
- "prescribed period" means the period commencing on the day on which the notice of election is advertised and ending on the closing day;
- "responsible person" means the person taking responsibility for causing the matter to be printed or published.

Offences relating to polling

section 312

- (1) A person must not -
- (a) vote at an election if not entitled to do so; or
 - (b) obtain or attempt to obtain more ballot papers at an election than that to which he or she is entitled.

PENALTY Fine not exceeding 5 penalty units.

- (2) A person is not -
- (a) to obstruct an elector when the elector is marking a ballot paper; or
 - (b) by any word or action, to directly or indirectly aid in discovering the name of a person for whom an elector has voted or intends to vote.

PENALTY Fine not exceeding 10 penalty units.

- (3) A person must not -
- (a) personate or attempt to personate any elector; or
 - (b) vote, offer to vote or attempt to vote more than once in his or her own right at the same election; or
 - (c) attempt to vote by means of a ballot paper that has been handed or delivered to another person; or
 - (d) personally attempt to induce an elector within the elector's residence during the polling period to vote or not to vote for a particular person; or
 - (f) steal, misdirect, hide, destroy or otherwise tamper or interfere with any of the documents sent or delivered under section 284 or 286.

PENALTY Fine not exceeding 50 penalty units.

Offences in violation of secrecy of ballot

section 313

A person must not -

- (a) at an election, attempt to find out, or directly or indirectly aid in finding out, the person for whom a vote is given; or

- (b) disclose any knowledge of the person for whom an elector has voted at an election that he or she has obtained in the exercise of his or her office at that election.

PENALTY Fine not exceeding 10 penalty units.

Bribery and undue influence

section 314

- (1) A person must not -
 - (a) promise or offer any money or valuable consideration, advantage, recompense, reward or benefit in relation to -
 - (i) a nomination for an election; or
 - (ii) a withdrawal of nomination from an election; or
 - (iii) a vote or abstention from voting at a poll; or
 - (iv) support of, or opposition to, a candidate; or
 - (v) a promise of any such vote, abstention, support or opposition; or
 - (b) give or take any money or valuable consideration, advantage, recompense, reward or benefit in relation to a nomination, withdrawal, vote, abstention, support, opposition or promise.

PENALTY Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months.

- (2) A person who instigates the commission of an offence under this section is punishable in the same manner as if that person had committed the offence.
- (3) An offence under this section includes the supply of food, drink or entertainment with a view to influencing the vote of an elector at an election if the supply is made during the relevant period.
- (4) A candidate or intending candidate must not directly or indirectly offer, promise or give a gift, donation or prize to or for any specific club, association or body or to or for clubs, associations or bodies generally during the relevant period.

PENALTY Fine not exceeding 5 penalty units.

- (5) In proceedings for an offence under subsection (4), it is a defence for the person charged to show that gifts, donations or prizes similar in nature and in amount or value are regularly given by that person to the specific club, association or body.
- (6) A person must not directly or indirectly threaten, offer, suggest, use, cause, inflict or instigate violence, punishment, damage, loss or disadvantage to another person in relation to -
 - (a) a nomination for an election; or
 - (b) a withdrawal of a nomination from an election; or
 - (c) a vote, or any abstention from voting at a poll; or
 - (d) support of, or opposition to, a candidate; or
 - (e) a promise of any such vote, abstention, support or opposition.

PENALTY Fine not exceeding 10 penalty units.

- (7) A declaration of public policy or promise of public action is not an offence against subsection (6).

False or misleading statements

section 315

A person must not, in giving any information, filing a return or making an application under this Part -

- (a) make a statement knowing it to be false or misleading; or
- (b) omit any matter from a statement knowing that without that matter the statement is misleading.

PENALTY Fine not exceeding 10 penalty units or imprisonment for a term not exceeding 6 months.

Advertising regulation 22, Local Government (General) Regulations 2005

- (1) A person must not purchase advertising time on television or radio in relation to the election of a candidate without the written authority of that candidate.
- (2) A candidate must not purchase, or permit to be purchased, advertising time on television or radio in relation to the election of the candidate if the advertising time during the relevant period is likely to exceed -
 - (a) 10 minutes on television; or
 - (b) 50 minutes on radio.
- (3) A person must not purchase advertising space in relation to the election of a candidate without the written authority of that candidate.
- (4) A candidate must not purchase or permit to be purchased advertising space in relation to the election of the candidate if the advertising space, during the relevant period, is likely to exceed a total of –
 - (a) 2 pages of advertising in a daily newspaper circulating in the municipal area; or
 - (b) 5 pages in any other newspaper circulating in the State.
- (5) The total expenditure for the purchase of advertising time or space by or on behalf of a candidate must not –
 - (a) in respect of a single election, exceed a total amount of \$5 000; and
 - (b) in respect of an election for a councillor and an election for a mayor or deputy mayor, exceed a total amount of \$8 000.
- (6) A candidate is taken to have incurred the total time and space of, and expenditure involved in, advertising which promotes that candidate in respect of an election irrespective of whether or not that advertising also promotes another candidate.
- (7) A candidate who authorises a person to conduct electoral advertising on his or her behalf relating to an election is taken to have personally undertaken that advertising.



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Website www.tec.tas.gov.au

All electoral forms mentioned in this booklet can be obtained from the TEC's website: www.tec.tas.gov.au, or the Tasmanian Electoral Commission, or the returning officer.