

HANDBOOK FOR PARTIES,
GROUPS AND CANDIDATES

Legislative Council

INTRODUCTION

Candidates should be aware that the *Parliamentary Electorates and Elections Act 1912* (the Act) and the *Parliamentary Electorates and Elections Regulation 2006* govern the conduct of Parliamentary elections in New South Wales (the election).

All enquiries should be directed to the New South Wales Electoral Commission (NSWEC).

This handbook is intended to assist candidates, groups and registered political parties (RPPs) participating in the election by explaining relevant processes and procedures. It is not however a substitute for the law.

While the NSWEC will provide information, it does not provide legal advice. If candidates are in doubt about any legal matters regarding the election, they should seek their own independent legal advice.

Legislative Council candidates should also read the following handbooks:

- Handbook for Scrutineers – State Election 2007;
- Election Funding Guide for Parties for State Elections; and
- Election Funding Guide for Candidates and Groups for State Elections.

All forms and publications referred to in this handbook can be downloaded from the NSWEC's website www.elections.nsw.gov.au and the Election Funding Authority's (EFA) website www.efa.nsw.gov.au. They can also be obtained by contacting the NSWEC (02 9290 5999).

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Please address all enquiries to the New South Wales Electoral Commission, Level 25, 201 Kent Street, Sydney 2000

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GLOSSARY

Absent vote	A vote made at a polling place on election day by an elector who is outside their own district.
Candidate	A person who is nominated for election to Parliament.
Certified list	A list of electors eligible to vote at the election.
Close of roll	The date when the roll for the election is closed and no electors can be added or deleted.
Declaration vote	<p>A vote cast by an elector when the ballot papers are enclosed in an envelope containing a printed declaration signed by the voter.</p> <p>This is a general term which includes: pre-poll, postal votes, absent votes, silent elector votes and other special vote categories.</p>
Declared institution	A hospital, nursing home or convalescent home which is visited by election assistants for the purpose of taking votes from residents who are unable to attend a polling place.
Election	Selection by vote of a person(s) to hold political office. Eligible electors vote for a person(s) to represent them in the Parliament.
Election day	The day when electors go to the polling place to vote. Sometimes referred to as polling day.
Election official	A general term to refer to people appointed to officiate at a place when electors vote. It covers a returning officer, polling place manager and election assistant.
Electoral Commissioner	The statutory officer appointed to manage the conduct of parliamentary and other elections.
Electoral district	For the Legislative Assembly, one of 93 geographical areas containing approximately equal numbers of voters. For the Legislative Council, the district is the whole State.
How to vote card	Representation of a ballot paper showing an elector how to mark the paper and vote for a particular candidate, group or party.
Legislative Assembly	The lower house of Parliament in NSW consists of 93 members, one elected from each electoral district.
Legislative Council	The upper house of Parliament in NSW. It has 42 members elected for an eight year term, half of whom are elected at each general election every four years.
Nomination	The process by which a person applies to become a candidate for election.
Ordinary vote	A vote recorded in the usual manner in a polling place on election day.

Party worker	A person who assists candidates by handing out how to vote cards. Unlike scrutineers, a party worker has no official status.
Polling place	A building such as a school designated as a place to which voters go during an election to cast their votes.
Postal vote	Electors who are unable to attend a polling place during polling hours on election day may vote by post. Electors must apply for a postal vote prior to election day and they must qualify to be eligible to vote as a postal voter.
Pre-poll voting	Electors who won't be able to vote on election day for certain specified reasons can vote before election day at the office of a returning officer or a pre-poll voting centre.
Recount	A second count of votes in an election. Recounts are ordered by the Electoral Commissioner.
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.
Registered general postal voters	Electors who satisfy certain legislative provisions can receive their postal votes automatically without further application.
Registered political parties (RPPs)	<p>An organised group with a common political philosophy which seeks to win and retain public office for itself and its leaders.</p> <p>Party organisations support or endorse candidates for elections who, if elected, usually vote as a group for its policies in Parliament.</p> <p>The party with the greatest number in the Legislative Assembly forms the government.</p> <p>Political parties are registered with the NSWEC. Eligible parties must satisfy certain statutory requirements in order to be registered.</p>
Reference list	A list of electors eligible to vote at an election.
Returning officer	An official appointed by the Electoral Commissioner to conduct an election for a Legislative Assembly district.
Scrutineer	A person appointed by a candidate to ensure that procedures and counting are undertaken in a proper manner.
Scrutiny	The check of declaration envelopes to ensure compliance before the vote is admitted to count.
Silent elector	An elector whose address does not appear on the certified list or reference list for personal safety reasons.
Writ	The document by which the Governor directs returning officers to conduct an election. The Governor issues Writs on the advice of the government.

1. GENERAL INFORMATION

ELECTION WRITS

The Legislative Assembly and Legislative Council elections commence when the Governor of New South Wales issues the Writs.

The Writ specifies:

- the date of issue of the Writ;
- the day for the close of candidate nominations (nomination day);
- the date of election day (24 March 2007); and
- the day for the return of the Writ to the Governor.

All other dates concerning the election are specified in the *Parliamentary Electorates and Elections Act 1912*.

2. ELIGIBILITY REQUIREMENTS FOR CANDIDATES

Although any person enrolled in the State of New South Wales may nominate as a candidate, the New South Wales' *Constitution Act* 1902 (sections 13, 13A, 13B and 13C) specifies certain circumstances that will disqualify a person from being elected to the Legislative Council.

If you are in any doubt about your eligibility you should seek independent legal advice.

Public servants nominating as candidates

The conditions under which New South Wales public servants may contest state elections are prescribed by section 102 of the *Public Sector Employment and Management Act* 2002. The Act provides that:

- public sector employees nominated for election are to be granted a leave of absence until the day on which the result of the election is declared;
- the leave of absence is without pay, unless the employee applies to use available leave entitlements; and
- public sector employees standing for election are not required to resign until elected.

In order to avoid any potential conflict of interest, it is preferable for public sector employees to take leave of absence for election campaigning purposes from the day of nomination.

Conditions relating to Commonwealth public servants are governed by Commonwealth legislation and any Commonwealth public servant proposing to nominate is advised to consult their employer and obtain their own independent legal advice regarding the question of resignation before nominating.

3. THE NOMINATION PROCESS

Prospective candidates should be aware that:

- they must be enrolled by the time the roll closes (6pm on the day the Writ issues);
- they can only nominate in the names for which they are enrolled;
- nominators for Legislative Council candidates must be enrolled;
- the nomination deposit (see below for amount) can be paid in cash or by cheque drawn by an authorised deposit-taking institution; and
- they need to submit a completed nomination form and a *Child-related Conduct Declaration*.

NOMINATION CATEGORIES

There are a number of 'nomination categories' possible depending on whether a candidate is an independent, belongs to an RPP, whether there are sufficient candidates to form a group, or whether RPPs wish to form a composite group.

Registered Political Parties

The registered officer (or deputy) of an RPP can nominate candidates but the party must have been registered 12 months prior to nomination day ie by the first week in March 2006.

Where there are 15 or more candidates the RPP can request that a group voting square be printed on the ballot paper to be used for 'above the line' voting. The name of the RPP will be printed below this square. Relevant forms are the *Nomination of Candidates by a Registered Political Party*, and the *Claim to be Included in a Group*.

Where there are less than 15 candidates the names of the candidates will appear 'below the line' with the name of the RPP. Relevant forms are the *Nomination of Candidates by a Registered Political Party* and the *Claim to be Included in a Group*.

Where 2 or more RPPs form a composite group (eg Liberal/National Party), and there are 15 or more candidates, they can request a group voting square be printed on the ballot paper to be used for 'above the line' voting. The name of the composite group will be printed below this square. Relevant forms are the *Nomination of Candidates by a Registered Political Party*, and the *Claim to be Included in a Group*.

The order of the names of the candidates in the group on the ballot paper will be as they appear on the claim form and the claim must be signed by each

candidate in the proposed group. The registered officer (or deputy) of an RPP cannot sign the form even though the candidates in the group are endorsed by the RPP.

Individuals

A person can also be nominated as a candidate for the Legislative Council by 15 people who are enrolled. These candidates are known as 'independent candidates' and may choose to have 'Independent' below their name. Relevant form is the *Nomination of Candidate by 15 Electors*.

It is the candidate's responsibility to check that their nominators are correctly enrolled. Nominators can check their enrolment status on the Australian Electoral Commission (AEC) website at www.aec.gov.au. In case some of the 15 nominators are not enrolled, it is suggested that candidates get the signatures of more than 15 nominators.

Two or more candidates may form a group. Where there are 15 or more candidates in a group, they can request that a group voting square be printed on the ballot paper to be used for 'above the line' voting. However the group will not be entitled to have a group name printed below the square. Relevant forms are the *Nomination of Candidate by 15 Electors*, and *Claim to be Included in a Group*.

Candidates cannot nominate themselves and electors cannot nominate more than one candidate.

The order of the names of the candidates in the group on the ballot paper will be as they appear on the claim form and the claim must be signed by each candidate in the proposed group.

HOW TO LODGE A NOMINATION

Completed nomination forms can be lodged from the day the Writ is issued until noon on the day set out in the Writ as nomination day.

Candidates (or their representatives) and RPPs must lodge their nomination forms, together with the appropriate deposit, with the NSWEC.

The NSWEC is located at Level 25, 201 Kent Street, Sydney, and will be open for receipt of nominations from 8am to 6pm, Monday to Friday once the Writ has issued.

NOMINATION DEPOSIT

The nomination deposit for a single candidate is \$500 however a fixed amount of \$5,000 applies to a group consisting of between 11 and 21 candidates. In all other cases the amount is the number of members in the group X \$500 eg a group having 7 candidates would have to pay \$3,500 (7 x \$500), a group having

10 candidates, \$5,000 (10 x \$500), and a group having 26 candidates, \$13,000 (26 x \$500).

CHILD-RELATED CONDUCT DECLARATION

The *Parliamentary Electorates and Elections Amendment (Child Sexual Offences Disclosures) Act 2006*, recently passed by the NSW Parliament, requires all candidates for election to the NSW Parliament to declare whether they have been:

- convicted of the murder of a child or a child sexual offence;
- the subject of proceedings for such an offence; or
- the subject of an apprehended violence order for the purposes of protecting a child from sexual assault.

This declaration is to be lodged with the nomination. If a person fails to complete this declaration the nomination will be invalid. The declarations of all candidates must be made public by the NSWEC, and will be posted on the NSWEC's website.

It will also be a criminal offence to make a false declaration deliberately (maximum penalty of up to 5 years imprisonment), and if a member of Parliament is convicted of making a false declaration, he or she will be disqualified from sitting in Parliament pursuant to section 13A of the *Constitution Act 1902*.

After the election, the declarations of elected candidates will be reviewed by the Commissioner of Children and Young People and a report on the findings tabled in both Houses of Parliament. Any apparent unlawful conduct by members of Parliament relating to their declaration will then be referred to police for investigation and prosecution.

DEFECTIVE NOMINATION

When a nomination is lodged, the NSWEC will check the form to ensure it has been accurately completed. This includes ensuring that:

- the candidate is on the electoral roll;
- if the candidate is nominated by an RPP, that the details and the signature of the registered officer (or deputy) are correct; and
- if the candidate is nominated by 15 electors, that the nominators are enrolled and that they have not nominated another candidate in the election.

If the form is delivered in person the check will be completed before the candidate or their representative leaves the NSWEC.

In all other cases if the nomination is defective, the candidate or their representative will be informed and the nomination form and deposit returned. It is the candidate or RPP's responsibility to rectify any defective nomination by noon on nomination day.

Note: 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 remedied in time. If compliance with the necessary requirements has not occurred by noon on the day nominations close, the nomination will be rejected.

NOMINATION FORM CONFIDENTIALITY

Nomination forms are confidential however certain details are required to be displayed on the NSWEC's website for each candidate as soon as practicable after the nomination is received. These are:

- the candidate's name;
- the suburb, town or other locality of the candidate's place of residence, (including candidates listed as silent electors); and
- child related declaration.

Candidates' contact phone details will only be released if candidates have given their consent on the nomination form.

NOMINATION ACCEPTED

When the nomination is accepted, a candidate kit will be issued to the person who lodged the nomination.

The candidate kit includes:

- Handbook for Parties, Groups and Candidates - Legislative Council Election 2007
- Handbook for Scrutineers – State Election 2007
- Election Funding Candidate Fact Sheet
- Application to Register Electoral Material
- Notice of Appointment of Official Agent
- Copy of the Election Timetable
- Request for Electronic List of Electors Enrolled For the State
- Request for Electronic List of Polling Places and Declared Institutions

- Appointment of Scrutineer Form
- Election Funding Receipt Book
- Election Funding Acknowledgement Book

WITHDRAWAL OF NOMINATION

Candidates may withdraw their nomination before noon on the day nominations close by providing written notice to the NSWEC.

A candidate, who is a member of a group, cannot withdraw a nomination unless all others in the group consent by signing a *Withdrawal of Claim to be Included in a Group*.

Where a candidate withdraws from a group, the whole group will be withdrawn and the remaining candidates will be shown on the ballot paper as ungrouped candidates.

If candidates wish to form a new group, they must submit a new *Claim to be Included in a Group* form, signed by all candidates in the newly formed group, but this must be done prior to noon on nomination day.

A registered officer (or deputy) of an RPP cannot withdraw a candidate's nomination form even though they may have endorsed that candidate.

If a candidate chooses to withdraw his or her nomination then the nomination deposit will not be returned until after the election.

DEATH OF A CANDIDATE

If a candidate dies before noon on the day nominations close, the nomination period is extended by one day.

In the event of the death of a candidate (or if a candidate is declared by a court to be incapable of being elected), candidates in groups with group voting squares are required to nominate another group with a group voting square as their second preference group.

In the event of the group having less than 15 candidates, a second preference is taken to be recorded for the second preference group. This is primarily to prevent ballot papers from being informal as 15 votes are required for a formal vote.

RETURN OF NOMINATION DEPOSIT

After the election the deposit will be refunded to the candidate (or a person authorised by the candidate in writing to receive it), or to the registered officer of the party (if the candidate was nominated by the registered officer) if:

- the candidate is elected;
- one of the candidates in the group of which he or she is a member is elected;
- the candidate or the group of which he or she is a member has received at least 4% of the total number of first preference votes;
- the candidate died before the date of the election; or
- the candidate withdrew the nomination before the close of nominations.

4. ELECTORS

It is compulsory for all Australian citizens who are 18 years or older to be on the electoral roll for the address at which they reside, and to vote at federal, state and local government elections.

The AEC maintains the electoral roll for all elections and any person wishing to enrol or change their enrolment details must complete an enrolment form. These enrolment forms can be downloaded from the AEC and NSWEC websites. They are also available from all AEC offices, the NSWEC, post offices, and returning officers.

CLOSE OF ELECTORAL ROLLS

The cut-off date for people to enrol or change their enrolment details for any given election is called the 'close of rolls'. Any person not enrolled by the close of rolls will not be included on the roll for that election.

For state elections, the roll always closes at 6pm on the day that the Writ is issued. Therefore, any person needing to enrol or change their enrolment details for State elections must complete an enrolment form and ensure that it (or a faxed copy) is received at an office of the AEC by that time.

COPIES OF THE LIST OF ELECTORS TO CANDIDATES

Candidates for the Legislative Council may make a written request for a copy of the list of electors, which will only be provided in electronic form. The list of electors will contain the name and address of electors entitled to vote in the election but it will not contain electors' dates of birth or the address of any silent elector.

Candidates may only use the list of electors in connection with their candidacy at the election, and for monitoring the accuracy of information contained on the list of electors.

There are very sound reasons why candidates must treat the electoral roll with absolute privacy as it contains electors' personal information. Electors are required by law to provide their personal information for the purpose of enrolment. If electors believe that their personal information is being misused then they will be reluctant to maintain their enrolment.

There are significant penalties for anyone (including candidates) using the electoral roll for a purpose other than a permitted purpose.

5. BALLOT PAPERS

FORM OF NAMES ON BALLOT PAPER

A candidate's surname on the ballot paper will appear as it is on the electoral roll.

Candidates are permitted only one given name to appear on the ballot paper. The name may be any one of the enrolled given names or a recognised diminutive, contraction or derivative of that enrolled name eg Bob for Robert, or Peggy for Margaret.

A nickname is not permitted even though a candidate may be well known by that nickname.

If the first name is hyphenated it will appear on the ballot paper as enrolled, unless the candidate requests on the nomination form that only one of the hyphenated names be shown.

No titles such as Dr for Doctor or JP for Justice of the Peace are permitted.

PARTY AFFILIATION ON BALLOT PAPER

Candidates and groups endorsed by RPPs may have the registered name of the party (or its registered abbreviation) printed on the ballot paper below their name.

Only RPPs can have the name below the group voting square.

Candidates not endorsed by an RPP may have the word 'Independent' printed under their name on the ballot paper.

This preference must be indicated on the nomination form.

DRAW FOR POSITION ON BALLOT PAPER

The order of candidates' or groups' names on the ballot paper is determined by a draw, which is conducted by the Electoral Commissioner at the NSWEC on the day nominations close. Candidates or their representative will be invited to be present to witness the draw. The draw will be held at 3pm at Portside Centre, Level 5, 207 Kent Street, Sydney.

Groups that have requested and are eligible for a group voting square will have that square shown 'above the line' over the column in which their group appears.

ORDER OF DRAW

The first draw for position on the ballot paper is for groups. The first group drawn will be 'Group A', the second 'Group B', and so on.

The second draw is for candidates who are not included in any group. These ungrouped candidates are shown in a column on the right-hand side of the ballot paper in the order determined by the second draw.

6. ELECTION ADVERTISING

The Act provides directions in relation to content, size, type and placement of electoral material.

In addition, parties, candidates, their workers, individuals, organisations or community groups must comply with any other legal obligations eg complying with local government (Council) requirements.

POSTERS

Candidates, RPPs and others may use posters in support of election campaigns.

Once the Writ has been issued all posters must show the name and address of the person authorising the printing of the poster, and the name of the printer and the address at which it was printed. These requirements give authenticity to the document and allow the source or printer to be contacted, if necessary.

This provision applies whether a poster is displayed on a building, a motor vehicle, attached to a wooden stake or is in banner form.

It is also an offence to write, draw or depict any electoral matter directly on any roadway, footpath, building, vehicle, vessel, hoarding or place.

The size of posters is only regulated when they are displayed in certain areas at a polling place on election day. Posters within 5 metres of the entrance to a polling place (the actual building) or on an outer wall, fence or other boundary to the grounds are not allowed to be bigger than 8,000 square centimetres (80cm x 100cm) in area. Several single posters of the required size must not be joined together so as to create a sign in excess of the legal maximum size.

On election day, posters cannot be fixed to trees or buildings within any grounds being used as a polling place.

Once the Writ has been issued, posters of any size are not to be displayed on or in any premises owned or occupied by the Crown or by any statutory body representing the Crown or any Council. However they may be exhibited at the office or committee room of a candidate or a political party or at the electoral office of a Member of Parliament.

Posters are not to be exhibited on or in unoccupied premises unless permission has first been obtained from the owner, and it is also unlawful to attach posters to telegraph poles without the written consent of the appropriate electricity provider.

If the returning officer receives a complaint concerning an illegal poster outside a polling place, the candidate or RPP will be contacted and requested to arrange for its removal.

Election officials retain the power to remove non-compliant posters displayed at a polling place on election day.

MISLEADING INFORMATION

It is illegal to print, publish or distribute material which misleads electors in the proper method of casting a vote (eg directing that two candidates each be given a first preference vote).

These provisions do not extend to the truth or otherwise of statements seeking to influence electors in deciding for which candidate or party they should vote.

It is illegal for candidates and parties to print, publish or distribute electoral advertising material which uses the name, abbreviation, derivative or acronym of the name of an RPP in a way which may mislead an elector.

A candidate is not permitted to distribute election advertising material marked with the printed logo of an RPP in a fashion which could lead electors to think the candidate was endorsed by the RPP when this is not the case.

It is illegal to use the word 'Independent' and the name, abbreviation, derivative or acronym of a registered party in a way that suggests or indicates an affiliation with that RPP. For example, independent candidates cannot describe themselves as 'Independent Liberal' or 'Independent Labor'.

AUTHORISATION OF ADVERTISING MATERIAL

Once the Writ has issued all electoral advertising material (advertisements, how to vote cards, handbills, pamphlets, posters or notices) must include details of the name and full address of the person authorising the printing of the material, and the name of the printer and the full address at which it was printed.

Where candidates or RPPs print material using their own resources they should print at the bottom of the material:

'Authorised and printed by of.....'

If electoral material is printed at a candidate's home they must show their residential address as the printer's details. A post office box as the address is acceptable for use by the person authorising the material but it is not acceptable as the printer's address. This address must be a street address and suburb.

It is acceptable for electoral material not originally including this information to be amended by writing, stamping or overtyping the necessary details.

Advertisements placed in newspapers require the details of the name and address of the person authorising the material, but do not require the inclusion of details of the printer as long as these details appear on the newspaper.

ADVERTISING IN THE ELECTRONIC MEDIA

Under the Commonwealth *Broadcasting Services Act* 1992, any political advertising on radio and television must cease after midnight, Wednesday, 21 March 2007.

7. REGISTRATION OF ELECTORAL MATERIAL FOR DISTRIBUTION ON ELECTION DAY

ELECTORAL MATERIAL

Under the Act, electoral material means a how to vote card, handbill, pamphlet or notice containing electoral matter that:

- is intended or calculated to affect the result of an election or is intended or calculated to influence an elector in the casting of his or her vote;
- contains an express or implicit reference to or comment on:
 - the election;
 - the Government, the Opposition, a previous Government or a previous Opposition, of the State, the Commonwealth, or any other State or Territory;
 - a member or a former member of Parliament or the Parliament of the Commonwealth, any other State or a Territory;
 - a political party, a branch or division of a political party or a candidate in the election; or
 - an issue submitted to, or otherwise before, the electors in connection with the election.

ELECTORAL MATERIAL TO BE REGISTERED

On election day:

- all electoral material being distributed, including how to vote cards, must have been registered by the NSWEC. Posters are not required to be registered;
- all registered electoral material can be inspected at a returning officer's office between 8am and 6pm by an elector enrolled in the district or any scrutineer;
- any unregistered electoral material may be confiscated by an election official; and
- no electoral material can be distributed within 6 metres of the entrance to the polling place.

HOW TO REGISTER ELECTORAL MATERIAL

The NSWEC will provide advice on whether the electoral material may be registered even though it may not be in final form. However, the application must contain a draft or sample version of the material. Only one copy of the material is required.

If the electoral material is approved, the NSWEC will issue a certificate of registration. The content of the printed version must not differ from that registered.

A number of versions of the material may be registered, however, there is no requirement that they all be distributed (eg a candidate may register four how to vote cards with the only difference being the order of preferences shown on them and then only distribute one version on election day).

Candidates are advised to ensure the material is registered before being printed. The NSWEC will provide verbal advice in this regard prior to formally issuing a written certificate.

Application forms to register electoral material can be downloaded from www.elections.nsw.gov.au or obtained from the NSWEC or a returning officer.

Applications made by:

- a candidate, must be signed by the candidate, or his/her official agent appointed under the *Election Funding Act 1981*;
- a group, must be signed by the official agent of the group appointed under the *Election Funding Act 1981*. If no official agent has been appointed, the candidate whose name appears first on the list of members of the group shall be deemed to be the group's official agent.
- an RPP, must be signed by the registered officer (or deputy) if the candidate has been endorsed by that party.

The Act has recently been amended to permit RPPs to register joint tickets provided that:

- the application for registration has been made jointly;
- one or other of the RPPs has nominated a candidate for each one of the districts; and
- it does not direct that a candidate nominated by none of the RPPs should be given the first preference vote.

Legislative Council candidates may indicate a voting preference for candidates or RPPs in the Legislative Assembly provided that they do not direct or suggest how to vote in accordance with the how to vote card or ticket of a candidate or RPP. The wording to be used in such electoral material is as follows:

- 'Vote 1 in the Legislative Assembly for [name of candidate];
- 'Vote 1 in the Legislative Assembly for [name of party]; or

- 'Vote 1 in the Legislative Assembly for [name of candidate] of the [name of party]'.

Such material cannot use representations of numbered preferences on a ballot paper as this would suggest that is how a particular party or candidate desires the electors to vote.

Individuals, organisations or community groups can also have electoral material registered.

WHEN TO REGISTER ELECTORAL MATERIAL

An application to register electoral material must be lodged at the NSWEC, Level 25, 201 Kent Street, Sydney (by hand) or faxed to 9290 5220, no later than 5pm Friday, 16 March 2007.

This deadline applies equally to applications requesting variations from previously approved electoral material.

NSWEC TO DETERMINE WHETHER ELECTORAL MATERIAL IS TO BE REGISTERED

Section 151G of the Act sets out the matters to be considered by the Electoral Commissioner in determining whether to register electoral material. Rather than stating what criteria electoral material must meet to be registered, the section contains a list of factors which will prevent this.

General

Any form of electoral material must not be registered if it appears to the Electoral Commissioner that the material:

- does not include in legible characters:
 - the name and full address of the person on whose instructions the material was printed; and
 - the name of the printer and full address at which it was printed;
- could result in an elector casting an informal vote; or
- contains words that are obscene or offensive.

Representation of a ballot paper or directions on how to vote

In addition, if the electoral material contains a representation of a ballot paper or directions on how to vote, then the Electoral Commissioner has to consider a number of other factors to ensure procedural requirements are met. For example:

- a political party is correctly registered;
- the claimed affiliation of candidates with a particular party is accurate;
- a particular candidate is actually endorsed;
- an RPP suggests that the highest preferences be given to its candidates;
- the word 'Independent' is not used in connection with the name of an RPP in a way intended or likely to mislead eg a candidate cannot describe themselves as 'an Independent Liberal candidate' or 'an Independent Labor candidate';
- a candidate does not use the name, abbreviation or acronym of an RPP in a way that could mislead any elector eg a candidate supported by an organisation known as 'Anti Licensed Premises' would not be able to use 'ALP' as this could be confused with the Australian Labor Party;
- a how to vote card showing a ballot paper with the candidates' names needs to display these names in the order they appear on the ballot paper; and
- no untrue or incorrect statements are made that are likely to mislead or improperly interfere with any elector casting their vote eg 'unless all squares on the ballot paper are numbered the vote will be informal'.

These provisions are aimed at ensuring that the information before the electors is not misleading and can be relied on by electors when casting their vote.

ELECTORAL MATERIAL FOR DECLARED INSTITUTIONS

One item of how to vote material per candidate, group or party may be nominated for distribution in declared institutions on the application form submitted to the NSWEC. This will enable returning officers to prepare a folder of how to vote electoral material so that electors can view this material when voting at the declared institution. It is the candidates' responsibility to indicate at the time of seeking registration the particular how to vote card that they wish to have included in the declared institutions folder of how to vote cards.

The NSWEC will arrange for the appropriate returning officer to receive a copy of the how to vote card, as registered, so that this can be copied and included in the folder. Candidates, groups or RPPs who wish to provide the returning officer (not the NSWEC) with a fully printed version of the registered how to vote card can, but this must be done by 5pm Saturday, 17 March 2007.

The general provisions regarding the registration of electoral material apply equally to the material to be used in declared institutions.

As all registered electoral material is to be available on election day for inspection if a request is made, the material used at declared institutions will be included. However this material will not be labelled as such and the declared institutions' folders will not be available for inspection.

8. VOTING BEFORE AND ON ELECTION DAY

POSTAL VOTES

Returning officers commence issuing postal ballot papers as soon as ballot papers are received on Monday, 12 March 2007.

An elector may apply for a postal vote if he or she:

- will not be within the State on election day;
- will not be within eight kilometres of any polling place;
- will be travelling under conditions which will preclude them from voting;
- is seriously ill or infirm or is approaching maternity;
- is caring for a person who is seriously ill or infirm or approaching maternity;
- is unable to vote in person on election day by reason of their membership of a religious order or their religious beliefs;
- is in prison (separate application);
- will be working throughout the hours of polling; or
- is a silent elector.

Postal vote application forms can be downloaded from www.elections.nsw.gov.au. They are also available from the NSWEC, post offices, or returning officers.

Applications sent from within Australia must be received by the returning officer no later than 6pm on Wednesday, 21 March 2007.

Applications sent from outside Australia must be received by the returning officer no later than 6pm on Monday, 19 March 2007.

Postal votes are also issued at various locations interstate and overseas. Details of these locations will be available from www.elections.nsw.gov.au

All postal ballot papers must be returned to the returning officer no later than 6pm on Wednesday, 28 March 2007.

REGISTERED GENERAL POSTAL VOTERS

Certain electors can apply before the issue of the Writ to be a registered general postal voter, which means that they will automatically receive their ballot papers. To be eligible to register in this way an elector must:

- reside more than 20 kilometres from a polling place;
- be absent from the State for a particular period;
- be a patient in a hospital and unable to travel;
- be seriously ill or infirm and unable to travel;
- be caring for a person (not in a hospital) who is seriously ill or infirm;
- be in prison;
- be physically incapacitated and cannot sign their name;
- be a silent elector; or
- be precluded from attending a polling place because of religious beliefs or membership of a religious order.

PRE-POLL VOTES

People may cast a pre-poll vote if they:

- will not be within the State on election day;
- will not be within eight kilometres of any polling place on election day;
- will be travelling under conditions which will preclude them from voting;
- are unable to vote in person on election day by reason of their membership of a religious order or their religious beliefs;
- are caring for a person who is seriously ill or infirm or approaching maternity;
- will be working throughout the hours of polling; or
- are a silent elector.

The Act has been amended to allow electors to make an oral application that they satisfy one of these conditions.

Pre-poll voting will be available at returning officers' offices and any other locations appointed by the NSWEC. Currently the NSWEC has appointed certain Spastic Centre and Vision Australia facilities.

The details of the pre-poll voting locations and times of operation will be available from the returning officer or at www.elections.nsw.gov.au or 1300 135 736.

Pre-poll voting will operate at returning officers' offices from Monday, 12 March 2007:

- 8am to 6pm on Monday to Friday;
- 9am to 5pm on Saturday, 17 March 2007; and
- 8am to 8pm on Thursday, 22 March 2007.

Pre-poll voting will also be available at Terminals 1, 2 and 3 at Sydney Airport and the hours of operation will be available from the NSWEC after the Writ has been issued.

Electoral material may be distributed outside the pre-poll voting centre but cannot be handed out inside the voting area.

DECLARED INSTITUTIONS

Some nursing homes, convalescent homes or hospitals are appointed by the NSWEC as declared institutions. Election assistants from the returning officer's office visit these declared institutions from Monday, 19 March 2007 to Wednesday, 21 March 2007 and take votes.

Voting at declared institutions can only be done by patients or residents of the facility.

Details of the declared institutions can be obtained from the returning officer in each district. The returning officer will advise the times of visits to declared institutions so that candidates may appoint a scrutineer to accompany election assistants.

No electoral material can be distributed by scrutineers at any time during this visit. The returning officer will prepare a folder of registered how to vote electoral material containing one item provided by each candidate, group or RPP so that electors can view this material when voting. This material will be kept secure and will only be available for inspection by electors and scrutineers at the institution.

It is the candidate or RPP's responsibility to arrange for the how to vote card to be registered before voting commences at the declared institutions.

ELECTION DAY

Polling places will be open on election day, Saturday, 24 March 2007, from 8am until 6pm.

Votes may be cast by:

- people enrolled for the electoral district in which the polling place is located (ordinary vote);
- people enrolled for an electoral district other than that in which the polling place is located, and for which an election is being held on the same day (absent vote);
- a person whose name does not appear on the electoral roll and who claims it should be (section vote);
- a person who is shown as having already voted at the election who claims this is not the case (section vote); and
- people whose name appears on the roll and their address has been suppressed for personal safety (silent vote).

9. ASSISTANCE TO VOTE

ASSISTANCE TO ELECTORS WHEN VOTING

Assistance is to be provided to electors if any election official is satisfied that the elector is unable to vote without help. Any elector may seek help however the following groups have been identified as those most likely to require assistance:

- the elderly;
- people with a disability;
- people with vision impairment;
- illiterate people; and
- people from culturally and linguistically diverse backgrounds.

An elector can nominate any person, except a candidate, to assist them. If the elector declines to nominate someone then the election official may provide assistance.

Assistance by a person nominated by the elector

Where a person nominated by the elector provides assistance, that person may accompany the elector to a voting screen and complete, fold and deposit the ballot paper in the ballot box or into the declaration envelope as appropriate. In this situation, scrutineers are not allowed to enter the voting screen (unless it is the scrutineer who has been nominated to provide assistance).

If assistance is given for a declaration vote, only the election assistant or other election official should complete the envelope and the elector, must sign the declaration.

Assistance by an election official

Where assistance is being provided by a returning officer or other election official, the elector's instructions and the completion of the ballot paper must be witnessed by a third person. A scrutineer may do this, or if there are none, another election official or a person nominated by the elector. An elector may be accompanied by an interpreter who is entitled to be present at all times if the elector needs such help.

ELECTORS WHO ARE UNABLE TO SIGN THEIR NAME

When completing declaration envelopes, electors who are unable to sign their name may make their 'mark' as a signature. In these cases the elector must make their mark in the presence of the election official acting as a witness.

The election official must identify the fact that the elector made the mark by adding the words 'his mark' or 'her mark' next to the elector's mark.

A person who holds a power-of-attorney for an elector is not permitted to sign on behalf of the elector.

ELDERLY OR FRAIL ELECTORS OR THOSE WITH A DISABILITY OR VISION IMPAIRMENT

Voting screens suitable for such electors will be available at polling places, and they will also be available in the returning officer's office for pre-poll voting and at other appointed pre-poll voting centres.

Appropriate equipment will also be available at all polling places, pre-poll voting centres and declared institutions, eg maxi-pencils, which are extra large pencils for those who are unable to grip regular sized pencils and magnifying sheets for visually impaired electors.

The NSWEC has also provided for pre-poll voting and election day voting at certain facilities operated by the Spastic Centre and Vision Australia, which will be open to all electors. Staff at these venues have been appointed as election officials, and trained to assist electors to vote independently.

Details of the venues, dates and times of operation will be available at the NSWEC website www.elections.nsw.gov.au.

CULTURALLY AND LINGUISTICALLY DIVERSE ELECTORS

Polling places will display a sign advising electors who do not read or speak English that assistance is available. The signs will also indicate when there are election officials who speak another language in attendance.

10. BALLOT PAPER COUNT

OPTIONAL PREFERENTIAL PROPORTIONAL REPRESENTATION

The method of voting for the Legislative Council is optional preferential proportional representation. To cast a formal vote, electors can either vote 'above the line' or 'below the line'.

Voting 'above the line'

If voting 'above the line', an elector must place the number '1' in one of the group voting squares located above the thick black line on the ballot paper. This will record a first preference vote for the first candidate in that group with the subsequent preferences for the other candidates in that group flowing in the order their names appear in the group.

Alternatively, an elector may place the number '1' in a group voting square, then place a '2', a '3' and so on in other group voting squares. If electors choose to mark the ballot paper in this way, they will have indicated preferences for candidates in those groups in the order they appear on the ballot paper.

Voting 'below the line'

If voting 'below the line', an elector selects their own order of preferences by placing the numbers from '1' to '15' in the squares next to the names of 15 candidates in order of their preference. Electors can vote for more than 15 candidates, if they wish, by continuing to place consecutive numbers in the squares next to candidates' names, starting with '16'.

If the elector does not vote in the manner described above then the vote may be informal and not counted. However, a vote may still count under savings provisions contained in the Act.

Ballot papers marked above and below the line

If a ballot paper is marked 'above the line' and 'below the line' and both sections are formal, the 'below the line' section takes precedence.

If one section, (above or below the line) is formal and the other informal, the formal section takes precedence.

FORMALITY OF BALLOT PAPERS

Following is a summary of the formality rules for Legislative Council ballot papers.

- The rules for formality for the Legislative Council are similar to those for the Legislative Assembly except for three matters:
 - any ✓ or **X** 'below the line' (BTL) is disregarded;
 - where a ballot paper is marked 'above the line' (ATL) and BTL then BTL takes precedence; and
 - if voting BTL, then 15 preferences must appear beginning with the number **1**.
- All numbers, ✓s or **X**s outside but adjacent to squares ATL, and all numbers outside but adjacent to squares BTL, must be considered when determining formality and distributing preferences.
- The numbers, ✓s or **X**s must be adjacent to the square. A number, ✓ or **X** at the end of the candidate's or group's name is not adjacent to the square and would be disregarded.
- The number **1** must appear once only.
- The ballot paper may be marked with additional preferences if the voter wishes.
- Where the number **1** appears once only, it is still formal even if there is a repeat or break in subsequent preferences.
- Where a ✓ or **X** appears on its own ATL, it is read as a **1** and the ballot paper is formal.
- If there is a number **1** and ✓s and/or **X**s, the number **1** always takes precedence over the ✓ or **X**.
- Where a ✓ or **X** appears with numbers other than **1**, the ✓ or **X** are not read as a **1** and the ballot paper is informal.
- Where there is a ✓ in one square and **X**s or lines through other squares ATL (more than one **X** or more than one line), the ✓ is read as a **1** and the ballot paper is formal.
- Where there is a ✓ in one square and a single **X** or single line through another square (ATL) the ballot paper is informal.
- A ballot paper is still formal even if it has not been initialled by an election official as long as it has been printed on the NSWEC watermarked paper. If the ballot paper was photocopied and it is not initialled by the election official then it is informal.
- If there are comments or additional names or signatures written on the ballot paper, they will be ignored.

Examples of formal ballot papers appear at the end of this Handbook.

HOW VOTES ARE COUNTED

To be elected in an optional preferential proportional representation count, candidates generally need to obtain a quota of the total formal votes cast in an election. The quota for the Legislative Council is determined by dividing the total number of formal first preference votes by 22 (number of members to be elected + 1), which is usually about 4.5%.

Candidates who receive a number of first preference votes equal to or greater than the quota are elected. The quota figure remains the same for the whole count.

Any votes a candidate receives above the quota are known as 'surplus votes' and may be transferred to the remaining candidates according to the next available preference shown on the ballot paper. A 'transfer value' is applied to the surplus votes distributed. The ballot papers being transferred are selected at random.

Where all surplus votes have been transferred (or subject to other conditions in the count), but not all 21 members have been elected, the ballot papers of the candidate with the lowest number of votes are distributed according to the next available preference shown on them. A transfer value is not applied to votes distributed at this stage and thus the votes have full value, that is, a value of 1.

The process continues until all 21 members of the Legislative Council have been elected.

COUNTING AT THE POLLING PLACE

At polling places on election night, election officials will count the Legislative Council ballot papers for each group that has a number '1' (with or without other numbers), or a single ✓ or X (with no other mark) in a group voting square above the line.

All other ballot papers will be counted as a single total with informal ballot papers included in this count. All Legislative Council ballot papers will be sent to returning officers' offices on election night.

COUNTING AT REGIONAL COUNTING CENTRES

Candidates and RPPs will be advised of the location of the Regional Counting Centres (RCCs) at the time of nomination.

Legislative Council ballot papers from polling places (and later, declaration votes) will be delivered to RCCs managed by experienced AEC staff, who have been contracted by the NSWEC to undertake this work.

The ballot papers will undergo a detailed scrutiny. They will be check counted, recorded, batched, repacked and those ballot papers to be data entered will be transported to the Legislative Council Counting Centre (LCCC) in Sydney.

Check counting the ballot papers from polling places will start at 9am on Monday, 26 March 2007. Ballot papers will be transported to the LCCC beginning on the afternoon of Tuesday, 27 March 2007.

Declaration vote ballot papers will be received at the RCCs on Friday, 30 March 2007 and will undergo the same scrutiny as the polling place ballot papers. They will be transferred to the LCCC by Tuesday, 3 April 2007.

DATA ENTRY AND COUNTING PROCESS

All bulk entry and individual ballot paper data entry will take place at the LCCC located at Riverwood Business Park, Unit 11, 100 Belmore Road, Riverwood.

The ballot papers delivered to this counting centre are data entered into the Legislative Council computer system. 'Entered' means the data entry of preferences, ticks or crosses by operators into the software where preferences are stored pending the distribution of preferences.

Certain categories of ballot papers, where large numbers of ballot papers are identical, will have been isolated at the RCCs and they will be 'bulk entered' as totals from each polling place. For example, those marked 1 'above the line' for a particular RPP, or ballot papers marked 'above the line' that follow an RPP's how to vote card.

When all ballot papers are entered (including bulk totals), the count and the distribution of preferences is conducted using the NSWEC's computer system. RPPs and candidates will be advised of the day and time the count will take place. Scrutineers, candidates and RPP representatives can be present for the data entry and count.

Following the count, results will be available at www.elections.nsw.gov.au

SUMMARY REPORT OF FIRST PREFERENCES

Once data entry commences and a substantial number of ballot papers have been processed, a summary of first preferences will be available on the NSWEC website. This information will be updated each night and will be available up to the completion of data entry and the calculation of the result.

SCRUTINY OF DECLARATION VOTES

The scrutiny of declaration votes will commence at the returning officer's office on Monday, 26 March 2007 and will be completed by Friday, 30 March 2007.

11. SCRUTINEERS

ROLE OF SCRUTINEERS

The role of scrutineers is defined by the Act and differs from the role of party workers or supporters in that respect.

Scrutineers play an important role in the election process. In representing the interests of their candidates and advising them on the procedures being followed by the returning officer and election officials, they ensure the election process is carried out fairly and impartially.

Scrutineers have the right to observe all stages of the voting and scrutiny (counting of votes) and can question the formality of ballot papers, or raise other concerns they may have about the conduct of the election.

APPOINTMENT OF SCRUTINEERS

Scrutineers are appointed by candidates to represent their interests at polling places and counting centres and to relay information to them on the procedures and progress during the election.

To be appointed as a scrutineer a person must be on the electoral roll. Candidates cannot act as scrutineers at an election which they contest.

The candidate completes the *Appointment of Scrutineers* form which can be downloaded from www.elections.nsw.gov.au or obtained from the NSWEC or the returning officer.

The scrutineer must hand the completed form to the polling place manager or election official, as the case requires, prior to commencing duties. The declaration part of the form must be signed by the scrutineer in the presence of the election official who will then witness the declaration.

Other than declared institutions where one appointment form for all declared institutions visited in an electoral district is sufficient, a new appointment form is required at each location where votes are being issued or counted. However candidates are permitted to photocopy a signed appointment form or use a signature stamp on multiple forms, but scrutineers must sign the form afresh in the presence of the election official. All appointment forms will be retained by the returning officer.

Scrutineers will be issued with a *Scrutineer Identification Badge*, which is to be retained by the scrutineer and worn at all times when scrutineering.

ATTENDANCE OF SCRUTINEERS

Scrutineers are entitled to:

- be present when pre-poll votes are being taken in the returning officer's office or at other pre-poll centres;
- be present at the preliminary scrutiny of declaration envelopes;
- accompany election assistants taking votes at declared institutions. The returning officer will advise candidates of the times and arrangements for these visits;
- be at a polling place during polling and after the close of polling on election day;
- be present in the returning officer's office on Sunday, 25 March 2007 to observe the check count of ballot papers from all the polling places, and on the days following during the scrutiny of the declaration envelopes and ballot papers (ie postal, pre-poll, declared institution, section, and absent votes); and
- be present at RCCs and the Legislative Council Counting Centre.

A candidate can have only one scrutineer at any one time present during the taking of votes at any one location.

However on election day, at the close of polling candidates can have one scrutineer present for each election official counting votes. Details of the number of officials involved in the count at each polling place in a district will be available from each returning officer.

CONDUCT OF SCRUTINEERS

Where a scrutineer wishes to clarify procedures or question the activities of an election official, they should discuss the matter with the returning officer or polling place manager (as appropriate).

Scrutineers must co-operate fully with election officials. Any misconduct at a pre-poll voting location or declared institution, a returning officer's office or in a polling place on election day is an offence, as is failure to obey the lawful directions of any election official.

Scrutineers must not attempt to influence any elector when present at a pre-poll voting location, declared institution or other polling place.

CANVASSING FOR VOTES

Candidates, scrutineers and party or candidate workers may canvass for votes at a pre-poll voting location (the returning officer's office and other appointed venues) and polling places on election day.

Campaign party workers are not allowed to canvass for votes or undertake a similar activity on election day within a polling place, or within 6 metres of an entrance to a polling place (the actual building).

Candidates may only enter a polling place for the purpose of casting their own vote.

12. PARTY AND CANDIDATE WORKERS

Party and candidate 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.

PARTY AND CANDIDATE WORKERS AT PRE-POLL VOTING CENTRES

- Electoral material, including how to vote cards, may be distributed outside the pre-poll voting centre location. Material cannot be handed out inside the voting area.
- Electoral material, including how to vote cards, distributed outside pre-poll voting centres is not required to be registered with the NSWEC. 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.

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 election material, including how to vote cards, within six metres of the entrance to the polling place.
- Election material including how to vote cards distributed anywhere on election day must be registered with the NSWEC. 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.

13. ELECTORAL OFFENCES

ALLEGED BREACHES OF LEGISLATION

Any alleged breaches of the legislation should be reported to the returning officer in the first instance. The returning officer will consider the complaint and endeavour to arrange for any breach to be remedied.

The returning officer will refer any unresolved issues to the NSWEC for consideration. Most issues are resolved by explanation of the laws. In some instances prosecution for offences may be commenced.

If a complainant disagrees with the NSWEC's decision, they can commence their own proceedings for an alleged breach of the Act.

It should be remembered by all candidates and RPPs that the Court of Disputed Returns may exercise the power to declare:

- a person elected or not duly elected; or
- an election void where illegal practices were committed in connection with the election.

14. ELECTION FUNDING

TO REGISTER

Under the *Election Funding Act 1981* all candidates who contest a Legislative Council election must register with the EFA in order to receive election funding payments, and to register electoral material for distribution on election day.

Candidates who would like someone to act on their behalf for election funding matters can appoint an official agent, who must be registered with the EFA, on or before nomination day.

FAILURE TO REGISTER

Failure to be registered in the register of candidates as at nomination day will prevent a candidate from registering and handing out electoral material.

Candidates, who are not registered in the register of candidates as at nomination day, will not be entitled to participate in the distribution of funds should they become eligible.


FURTHER READING

All candidates are required to read the *Election Funding Guide for Candidates and Groups for State Elections* and *Election Funding Guide for Parties for State Elections* to ensure they know and understand their obligations. The guide provides detailed information about election funding entitlements, making a claim for payment, and lodging the mandatory *Declaration of Political Contributions Received and Electoral Expenditure Incurred*.

Download the guide and all the relevant election funding forms from www.efa.nsw.gov.au.

15. SAMPLE FORMAL BALLOT PAPERS

EXAMPLE 1

You may vote in one of two ways		BALLOT PAPER				NEW SOUTH WALES Election of 21 Members of Legislative Council
<p>either</p> <p>Place the number "1" in the square above the group of candidates for whom you desire to vote. You may if you wish, vote for additional groups of candidates by placing consecutive numbers beginning with the number "2" in the squares above the additional groups of candidates in order of your preference for them.</p> <p>Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.</p>	<p>GROUP A</p> <p><input type="checkbox"/> NO FUN PARTY</p>	<p>GROUP B</p> <p><input type="checkbox"/> PURPLE PARTY</p>	<p>GROUP C</p> <p><input type="checkbox"/> 1</p>	<p>GROUP D</p> <p><input type="checkbox"/> OASIS PARTY</p>	<p><input type="checkbox"/> GIFFORD, Nellie</p> <p><input type="checkbox"/> JANSEN, Robert</p> <p><input type="checkbox"/> JACK, Kerry</p> <p><input type="checkbox"/> VORGAN, Sylvia</p> <p><input type="checkbox"/> RICKSON, Janet</p> <p><input type="checkbox"/> INDEPENDENT</p>	
	<p>OR</p> <p>Place the number "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14" and "15" in the squares opposite the names of the 15 candidates in order of your preferences for them. You may if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "16" in the squares opposite the names of those additional candidates in order of your preferences for them.</p> <p>Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.</p>	<p>GROUP A</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> COOPER, Diana</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> FLVIN, Monica</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> CLIFFORD, Greg</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> SMITH, Veronica</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> NELSON, Debbie</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> FRENCH, Mike</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> DANGAR, Peter</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> GRAY, Lee</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> JOHNSON, Terry</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> GILLS, Jane</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> JACKSON, Ollie</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> RUBEN, Tony</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> COLLY, Lydia</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> FRANK, Gina</p> <p><input type="checkbox"/> NO FUN PARTY</p>	<p>GROUP B</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> GRIFF, Leslie</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> O'HARA, Lynda</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> GRAY, Peter</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> HO, Jill</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> ACARIA, Mike</p> <p><input type="checkbox"/> NO FUN PARTY</p> <p><input type="checkbox"/> GRAHAM, Les</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> VINE, Laurie</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> PORTER, Harry</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> BARRETT, Joe</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> ORSON, Jacob</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> LANYARD, Jane</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> JARROD, Greg</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> PRINCETON, Lelia</p> <p><input type="checkbox"/> PURPLE PARTY</p> <p><input type="checkbox"/> JORGAN, Neil</p> <p><input type="checkbox"/> PURPLE PARTY</p>	<p>GROUP C</p> <p><input type="checkbox"/> PARRY, Tony</p> <p><input type="checkbox"/> JONES, Lilly</p> <p><input type="checkbox"/> ZOVIE, Mandy</p> <p><input type="checkbox"/> LALLARD, Gordon</p> <p><input type="checkbox"/> JIMMISON, Alice</p> <p><input type="checkbox"/> FARNSWORTH, Dina</p> <p><input type="checkbox"/> HORTON, Luke</p> <p><input type="checkbox"/> JECOVIC, Peter</p> <p><input type="checkbox"/> MOORE, Chris</p> <p><input type="checkbox"/> WHITE, Jason</p> <p><input type="checkbox"/> JACKSON, Joanne</p> <p><input type="checkbox"/> LEE, Ray</p> <p><input type="checkbox"/> NGUAN, Jarrod</p> <p><input type="checkbox"/> YOUNG, Gillian</p> <p><input type="checkbox"/> WILLOW, Carol</p>		

FORMAL
1 in one square only above the line

EXAMPLE 2

BALLOT PAPER				
You may vote in one of two ways	GROUP A	GROUP B	GROUP C	GROUP D
<p>either</p> <p>Place the number "1" in the square above the group of candidates for whom you desire to vote. You may if you wish, vote for additional groups of candidates by placing consecutive numbers beginning with the number "2" in the squares above the additional groups of candidates in order of your preference for them.</p> <p>Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.</p>	<input type="checkbox"/> NO FUN PARTY	<input checked="" type="checkbox"/> PURPLE PARTY	<input type="checkbox"/> OASIS PARTY	<input type="checkbox"/> OASIS PARTY
<p>or</p> <p>Place the number "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14" and "15" in the squares opposite the names of the 15 candidates in order of your preferences for them. You may if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "16" in the squares opposite the names of those additional candidates in order of your preferences for them.</p> <p>Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.</p>	<p>GROUP A NO FUN PARTY</p> <p><input type="checkbox"/> NORTON, Mick NO FUN PARTY</p> <p><input type="checkbox"/> COOPER, Dianma NO FUN PARTY</p> <p><input type="checkbox"/> ELYNN, Monica NO FUN PARTY</p> <p><input type="checkbox"/> CLIFFORD, Greg NO FUN PARTY</p> <p><input type="checkbox"/> SMITH, Veronica NO FUN PARTY</p> <p><input type="checkbox"/> NELSON, Debbie NO FUN PARTY</p> <p><input type="checkbox"/> FRENCH, Mike NO FUN PARTY</p> <p><input type="checkbox"/> DANGAR, Peter NO FUN PARTY</p> <p><input type="checkbox"/> CRAY, Lee NO FUN PARTY</p> <p><input type="checkbox"/> JOHNSON, Terry NO FUN PARTY</p> <p><input type="checkbox"/> GILLS, Jane NO FUN PARTY</p> <p><input type="checkbox"/> JACKSON, Ollie NO FUN PARTY</p> <p><input type="checkbox"/> RUBEN, Tony NO FUN PARTY</p> <p><input type="checkbox"/> COLLY, Lydia NO FUN PARTY</p> <p><input type="checkbox"/> FRANK, Gina NO FUN PARTY</p>	<p>GROUP B PURPLE PARTY</p> <p><input type="checkbox"/> CARRICK, Annie PURPLE PARTY</p> <p><input type="checkbox"/> GRIST, Leslie PURPLE PARTY</p> <p><input type="checkbox"/> OHARA, Lynda PURPLE PARTY</p> <p><input type="checkbox"/> GRAY, Peter PURPLE PARTY</p> <p><input type="checkbox"/> HO, Jill PURPLE PARTY</p> <p><input type="checkbox"/> ACARIA, Mike PURPLE PARTY</p> <p><input type="checkbox"/> GRAHAM, Les PURPLE PARTY</p> <p><input type="checkbox"/> VINE, Laurie PURPLE PARTY</p> <p><input type="checkbox"/> PORTER, Harry PURPLE PARTY</p> <p><input type="checkbox"/> BARRETT, Joe PURPLE PARTY</p> <p><input type="checkbox"/> ORSON, Jacob PURPLE PARTY</p> <p><input type="checkbox"/> LANYARD, Jane PURPLE PARTY</p> <p><input type="checkbox"/> JARROD, Greg PURPLE PARTY</p> <p><input type="checkbox"/> PRINCETON, Leila PURPLE PARTY</p> <p><input type="checkbox"/> JORGAN, Neil PURPLE PARTY</p>	<p>GROUP C</p> <p><input type="checkbox"/> PARRY, Tony</p> <p><input type="checkbox"/> JONES, Lily</p> <p><input type="checkbox"/> ZOWIE, Mandy</p> <p><input type="checkbox"/> LALLARD, Gordon</p> <p><input type="checkbox"/> JIMMSON, Alice</p> <p><input type="checkbox"/> FARNSWORTH, Drina</p> <p><input type="checkbox"/> HORTON, Luke</p> <p><input type="checkbox"/> JECOVIC, Peter</p> <p><input type="checkbox"/> MOORE, Chris</p> <p><input type="checkbox"/> WHITE, Jason</p> <p><input type="checkbox"/> JACKSON, Joanne</p> <p><input type="checkbox"/> LEE, Ray</p> <p><input type="checkbox"/> NGUAN, Jarrod</p> <p><input type="checkbox"/> YOUNG, Gillian</p> <p><input type="checkbox"/> WILLOW, Carol</p>	<p>GROUP D OASIS PARTY</p> <p><input type="checkbox"/> BORGAN, Boris OASIS PARTY</p> <p><input type="checkbox"/> CHURCH, Peter OASIS PARTY</p> <p><input type="checkbox"/> WILSON, Steve OASIS PARTY</p> <p><input type="checkbox"/> TURCH, Robbie OASIS PARTY</p> <p><input type="checkbox"/> GUERRIN, Lily OASIS PARTY</p> <p><input type="checkbox"/> RAUGATE, Alan OASIS PARTY</p> <p><input type="checkbox"/> DAWN, Paris OASIS PARTY</p> <p><input type="checkbox"/> SCOTTS, Laurence OASIS PARTY</p> <p><input type="checkbox"/> FISHERS, Tammy OASIS PARTY</p> <p><input type="checkbox"/> ANNAN, Mike OASIS PARTY</p> <p><input type="checkbox"/> POTTS, Eric OASIS PARTY</p> <p><input type="checkbox"/> EAGAN, Rowena OASIS PARTY</p> <p><input type="checkbox"/> RATTON, Karen OASIS PARTY</p> <p><input type="checkbox"/> TERRY, Inga OASIS PARTY</p> <p><input type="checkbox"/> CONNELL, Frank OASIS PARTY</p>
<p>FORMAL</p> <p>One X only outside but adjacent to the square</p>				

You may vote in one of two ways

BALLOT PAPER

2025/26 NSW Legislative Council Ballot Paper for the Division of Sydney

either

Place the number "1" in the square above the group of candidates for whom you desired to vote. You may, if you wish, vote for more than one candidate by placing the number "2" in the squares above the additional groups of candidates in order of your preference for them.

GROUP A
 NO FUN PARTY

GROUP B
 PURPLE PARTY

GROUP C
 1

GROUP D
 OASIS PARTY

OR

Place the number "1" in the square above the group of candidates for whom you desired to vote. You may, if you wish, vote for more than one candidate by placing the number "2" in the squares above the additional groups of candidates in order of your preference for them.

<p>GROUP A NO FUN PARTY</p> <p><input type="checkbox"/> MORTON, Mike NO FUN PARTY</p> <p><input type="checkbox"/> COOPER, Diana NO FUN PARTY</p> <p><input type="checkbox"/> FLYNN, Monica NO FUN PARTY</p> <p><input type="checkbox"/> GURFORD, Greg NO FUN PARTY</p> <p><input type="checkbox"/> SMITH, Veronica NO FUN PARTY</p> <p><input type="checkbox"/> NELSON, Debbie NO FUN PARTY</p> <p><input type="checkbox"/> FRENCH, Mike NO FUN PARTY</p> <p><input type="checkbox"/> DANQAR, Peter NO FUN PARTY</p> <p><input type="checkbox"/> GRAY, Lee NO FUN PARTY</p> <p><input type="checkbox"/> JOHNSON, Terry NO FUN PARTY</p> <p><input type="checkbox"/> OLLS, Jane NO FUN PARTY</p> <p><input type="checkbox"/> JACKSON, Chlie NO FUN PARTY</p> <p><input type="checkbox"/> RUBEN, Tony NO FUN PARTY</p> <p><input type="checkbox"/> OULLY, Lydia NO FUN PARTY</p> <p><input type="checkbox"/> FRANK, Sha NO FUN PARTY</p>	<p>GROUP B PURPLE PARTY</p> <p><input type="checkbox"/> GARRICK, Anne PURPLE PARTY</p> <p><input type="checkbox"/> GINGT, Lealie PURPLE PARTY</p> <p><input type="checkbox"/> GHAFA, Layla PURPLE PARTY</p> <p><input type="checkbox"/> GRAY, Peter PURPLE PARTY</p> <p><input type="checkbox"/> HO, Jill PURPLE PARTY</p> <p><input type="checkbox"/> ACARNA, Mike PURPLE PARTY</p> <p><input type="checkbox"/> GOSHAM, Les PURPLE PARTY</p> <p><input type="checkbox"/> VINE, Laurie PURPLE PARTY</p> <p><input type="checkbox"/> PORTER, Harry PURPLE PARTY</p> <p><input type="checkbox"/> BARNETT, Joe PURPLE PARTY</p> <p><input type="checkbox"/> DRISCOLL, Jacob PURPLE PARTY</p> <p><input type="checkbox"/> LANNARD, Jane PURPLE PARTY</p> <p><input type="checkbox"/> JARROLD, Greg PURPLE PARTY</p> <p><input type="checkbox"/> PRINCETON, Leila PURPLE PARTY</p> <p><input type="checkbox"/> JORGAN, Kai PURPLE PARTY</p>	<p>GROUP C</p> <p><input type="checkbox"/> 1 PARRY, Tony</p> <p><input type="checkbox"/> 2 JONES, Lily</p> <p><input type="checkbox"/> 3 ZOWIE, Mandy</p> <p><input type="checkbox"/> 4 JALLARD, Gordon</p> <p><input type="checkbox"/> 5 JIMMONS, Alice</p> <p><input type="checkbox"/> 6 FARNSWORTH, Dina</p> <p><input type="checkbox"/> 7 HORTON, Luke</p> <p><input type="checkbox"/> 8 JEDOVIC, Peter</p> <p><input type="checkbox"/> 9 MOORE, Chris</p> <p><input type="checkbox"/> 10 WHITE, Jason</p> <p><input type="checkbox"/> 11 JACKSON, Joanne</p> <p><input type="checkbox"/> 12 LEE, Ray</p> <p><input type="checkbox"/> 13 NGUAN, Jarrod</p> <p><input type="checkbox"/> 14 YOUNG, Gillian</p> <p><input type="checkbox"/> 15 WILLOW, Carol</p>	<p>GROUP D OASIS PARTY</p> <p><input type="checkbox"/> BORGAN, Boie OASIS PARTY</p> <p><input type="checkbox"/> CHURCH, Peter OASIS PARTY</p> <p><input type="checkbox"/> WILSON, Steve OASIS PARTY</p> <p><input type="checkbox"/> TURCH, Robbie OASIS PARTY</p> <p><input type="checkbox"/> GUERIN, Lily OASIS PARTY</p> <p><input type="checkbox"/> RAMGATE, Alan OASIS PARTY</p> <p><input type="checkbox"/> DAVIN, Pais OASIS PARTY</p> <p><input type="checkbox"/> SCOTS, Laurence OASIS PARTY</p> <p><input type="checkbox"/> FISHERS, Tammy OASIS PARTY</p> <p><input type="checkbox"/> ANNAN, Mike OASIS PARTY</p> <p><input type="checkbox"/> POTTS, Eric OASIS PARTY</p> <p><input type="checkbox"/> EAGAN, Rosanna OASIS PARTY</p> <p><input type="checkbox"/> PATTON, Karen OASIS PARTY</p> <p><input type="checkbox"/> TERRY, Inga OASIS PARTY</p> <p><input type="checkbox"/> CONNELL, Frank OASIS PARTY</p>	<p><input type="checkbox"/> GURFORD, Nelli</p> <p><input type="checkbox"/> JANSSEN, Robert INDEPENDENT</p> <p><input type="checkbox"/> JACK, Kemp</p> <p><input type="checkbox"/> VOROGAN, Sylvia</p> <p><input type="checkbox"/> RICKSON, Janet INDEPENDENT</p>
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Formal above and 'below the line' but 'below the line' takes precedence

FORMAL



EXAMPLE 4

BALLOT PAPER

You may vote in one of two ways

<p>either</p> <p>Place the number "1" in the square above the group of candidates for whom you desire to vote. You may if you wish, vote for additional groups of candidates by placing consecutive numbers beginning with the number "1" in the squares above the additional groups of candidates in order of your preferences for them.</p> <p>Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.</p>	<p>GROUP A</p> <p><input type="checkbox"/></p> <p>NO FUN PARTY</p>	<p>GROUP B</p> <p><input type="checkbox"/></p> <p>PURPLE PARTY</p>	<p>GROUP C</p> <p><input checked="" type="checkbox"/> 1</p>	<p>GROUP D</p> <p><input type="checkbox"/></p> <p>OASIS PARTY</p>
<p>or</p> <p>Place the number "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14" and "15" in the squares opposite the names of the 15 candidates in order of your preferences for them. You may if you wish, vote for additional candidates by placing the numbers beginning with the number "16" in the squares opposite the names of those additional candidates in order of your preferences for them.</p> <p>Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.</p>	<p>GROUP A</p> <p>HO FUN PARTY</p> <p><input type="checkbox"/> NORTON, Mink HO FUN PARTY</p> <p><input type="checkbox"/> COOPER, Diana HO FUN PARTY</p> <p><input type="checkbox"/> FLYNN, Monica HO FUN PARTY</p> <p><input type="checkbox"/> CLIFFORD, Greg HO FUN PARTY</p> <p><input type="checkbox"/> SMITH, Veronica HO FUN PARTY</p> <p><input type="checkbox"/> NELSON, Debbie HO FUN PARTY</p> <p><input type="checkbox"/> FRENCH, Mike HO FUN PARTY</p> <p><input type="checkbox"/> DANGAR, Peter HO FUN PARTY</p> <p><input type="checkbox"/> CRAY, Lee HO FUN PARTY</p> <p><input type="checkbox"/> JOHNSON, Terry HO FUN PARTY</p> <p><input type="checkbox"/> GILLS, Jane HO FUN PARTY</p> <p><input type="checkbox"/> JACKSON, Ollie HO FUN PARTY</p> <p><input type="checkbox"/> RUBEN, Tony HO FUN PARTY</p> <p><input type="checkbox"/> COLLY, Lydia HO FUN PARTY</p> <p><input type="checkbox"/> FRANK, Gina HO FUN PARTY</p>	<p>GROUP B</p> <p>PURPLE PARTY</p> <p><input type="checkbox"/> CARRICK, Annie PURPLE PARTY</p> <p><input type="checkbox"/> GRIST, Leslie PURPLE PARTY</p> <p><input type="checkbox"/> O'HARA, Linda PURPLE PARTY</p> <p><input type="checkbox"/> GRAY, Peter PURPLE PARTY</p> <p><input type="checkbox"/> HO, Jill PURPLE PARTY</p> <p><input type="checkbox"/> ACARIA, Mike PURPLE PARTY</p> <p><input type="checkbox"/> GRISHAM, Les PURPLE PARTY</p> <p><input type="checkbox"/> WINE, Laurie PURPLE PARTY</p> <p><input type="checkbox"/> PORTER, Harry PURPLE PARTY</p> <p><input type="checkbox"/> BARRETT, Joe PURPLE PARTY</p> <p><input type="checkbox"/> ORSON, Jacob PURPLE PARTY</p> <p><input type="checkbox"/> LANYARD, Jane PURPLE PARTY</p> <p><input type="checkbox"/> JARROD, Greg PURPLE PARTY</p> <p><input type="checkbox"/> PRINCETON, Lella PURPLE PARTY</p> <p><input type="checkbox"/> JORGAN, Neil PURPLE PARTY</p>	<p>GROUP C</p> <p><input checked="" type="checkbox"/> PARRY, Tony</p> <p><input type="checkbox"/> JONES, Lilly</p> <p><input type="checkbox"/> ZOWIE, Mandy</p> <p><input type="checkbox"/> LALLARD, Gordon</p> <p><input type="checkbox"/> JIMMISON, Alice</p> <p><input type="checkbox"/> FARNSWORTH, Dina</p> <p><input type="checkbox"/> HORTON, Luke</p> <p><input type="checkbox"/> JECOVIC, Peter</p> <p><input type="checkbox"/> MOORE, Chris</p> <p><input type="checkbox"/> WHITE, Jason</p> <p><input type="checkbox"/> JACKSON, Joanne</p> <p><input type="checkbox"/> LEE, Ray</p> <p><input type="checkbox"/> NGUAN, Jamod</p> <p><input type="checkbox"/> YOUNG, Gillian</p> <p><input type="checkbox"/> WILLOW, Carol</p>	<p>GROUP D</p> <p>OASIS PARTY</p> <p><input type="checkbox"/> BORGAN, Boris OASIS PARTY</p> <p><input type="checkbox"/> CHURCH, Peter OASIS PARTY</p> <p><input type="checkbox"/> WILSON, Steve OASIS PARTY</p> <p><input type="checkbox"/> TURCH, Robbie OASIS PARTY</p> <p><input type="checkbox"/> GUERRIN, Lily OASIS PARTY</p> <p><input type="checkbox"/> RANGATE, Alan OASIS PARTY</p> <p><input type="checkbox"/> DAWIN, Pais OASIS PARTY</p> <p><input type="checkbox"/> SCOTS, Laurence OASIS PARTY</p> <p><input type="checkbox"/> FISHERS, Tammy OASIS PARTY</p> <p><input type="checkbox"/> ANJUM, Mike OASIS PARTY</p> <p><input type="checkbox"/> BOTTS, Eric OASIS PARTY</p> <p><input type="checkbox"/> EGAN, Rowena OASIS PARTY</p> <p><input type="checkbox"/> PATTON, Karen OASIS PARTY</p> <p><input type="checkbox"/> TERRY, Inga OASIS PARTY</p> <p><input type="checkbox"/> CONNELL, Frank OASIS PARTY</p>

FORMAL

Formal 'above the line' because tick 'below the line' is disregarded