

Equal Access to Democracy News

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1. Purpose of Equal Access to Democracy News

As part of the commitments in the New South Wales Electoral Commission's (NSWEC) Equal Access to Democracy Plan, we will provide NSW Peaks, consumer advocacy, and industry organisations with key election information in the lead up to the 2008 Local Government Elections.

We want to ensure that the information provided to Peaks, consumer advocacy, and industry organisations will be useful to your clients, and can be disseminated through established community networks and organisational newsletters. We appreciate feedback to enable us to be more effective in communicating with stakeholders.

As the first newsletter, this is an opportunity to explain our legislative and operational environment and provide some initial election information with several of the established key election dates for the 2008 Local Government Elections.

2. The New South Wales Electoral Commission

The Electoral Commissioner is responsible for the registration of political parties, enrolment of electors, preparation of lists and rolls of electors and the conduct of elections.

Staff of the NSWEC support the Electoral Commissioner by:

- conducting elections for the Parliament of NSW and elections for local government councils
- conducting elections for registered clubs, statutory boards and State registered industrial organizations
- working with the Australian Electoral Commission in the management of the joint electoral roll in NSW
- providing administrative support to the Election Funding Authority.

3. Legislative environment

Elections are conducted in a high profile legal environment where impartiality, accuracy, reliability and efficiency are essential. All of our operations are closely prescribed in the *Parliamentary Electorates and Elections Act 1912* and the *Local Government Act 1993* as it relates to the conduct of Local Government Elections.

The Electoral Commissioner administers these Acts, according to law, within the strict framework defined by the Acts. The Electoral Commissioner does not, however, have control of these Acts and is not responsible for the content of the Acts. The administration of these Acts falls within the responsibility of their respective Ministers who, in the case of the *Local Government Act 1993*, is the Minister for Local Government.

Legislation to amend the *Local Government Act 1993* is currently before the NSW Parliament. The legislation will introduce changes to the way in which Local Government Elections are conducted, including the method of voting. It is also proposed that the *Local Government (General) Regulation 2005* will be amended to enable people with a disability to vote either as a pre-poll or a postal voter.

The Government has also announced its intention to introduce new legislative provisions to the *Election Funding Act 1981* for political donations. The detail is still to be presented to the NSW Parliament, but as soon as we know we will advise.

Further information will be provided through this newsletter, the elector enquiry centre and on the NSWEC website www.elections.nsw.gov.au as it becomes available.

4. Timeframe for the Local Government Elections

NSW has fixed dates for the conduct of Local Government Elections. As such the dates of Local Government Elections are known in advance. The next Local Government elections are on:

Saturday, 13 September 2008

Close of rolls

6.00 pm, Monday 4 August 2008

Pre-poll voting

From Monday 1 September 2008

Until Friday 12 September 2008

Close of postal voting applications

5.00 pm, Monday 8 September 2008

Close of postal voting (receipt of ballot papers)

6.00 pm, Monday 15 September 2008

Visit declared institutions

Monday 8 to Wednesday 10 September 2008

Election day

Saturday 13 September 2008

Some key dates are subject to the proposed legislative amendments and will become known when those amendments are made.

5. Enrolment

The roll of electors for a local government election is a composite roll comprised of the residential roll, the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees.

All rolls for the September 2008 elections close on Monday 4 August. Advertisements reminding you to enrol will be placed in the major press before the close of enrolment.

(a) Residential electors

If you are correctly enrolled on the joint Commonwealth/State electoral roll you are automatically included on the residential roll for the council/ward in which you live.

Everyone who qualifies for enrolment must vote at the Local Government Elections. Fines can apply. The penalty for failing to vote is \$55.

You qualify for enrolment if you:

- are an Australian Citizen; and
- are 17 years of age or older (but you cannot vote until you are 18); and
- have lived at your present address for at least the last month.

If you are 18 years or older and qualify for enrolment you must enrol.

To enrol you need to complete an Electoral Enrolment Form. The Electoral Enrolment Form is a green form available from:

- any Australia Post office;
- the New South Wales Electoral Commission website www.elections.nsw.gov.au;
- divisional offices of the Australian Electoral Commission; and
- the Australian Electoral Commission website www.aec.gov.au.

Once completed you need to return the form to the Australian Electoral Commission. You cannot enrol online under electoral legislation.

If you are unable to sign the enrolment form because of a physical disability, you need to obtain a doctor's certificate to show that you cannot sign your name and ask a member of your family or a friend to sign on your behalf. Send the completed enrolment form and the doctor's certificate to your Divisional Returning Officer at the Australian Electoral Commission.

When you move house and have been living in your new residence for more than one month you need to update your enrolment details. This can be done by filling in the same Australian Electoral Commission enrolment form which then needs to be sent back to the Australian Electoral Commission.

(b) Non-residential rolls

The roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees are referred to as the non-residential rolls. Both rolls lapse after each Local Government Election. You must make a fresh application to be on these rolls after each election.

You are not entitled to more than one vote in any council area, even if you are a multiple owner, occupier or lessee. If you qualify as a resident of a council/ward, you cannot also be enrolled on the non residential roll. If you are on the non-residential rolls for a council/ward, you are not required to vote (except in the Council of the City of Sydney).

To be considered for inclusion on the roll of non-resident owners of rateable land, you must be a non residential owner who either solely, jointly or severally, pays rates on the property, but does not live at the property or in that council area.

To be considered for inclusion on the roll of occupiers and ratepaying lessees, you must either be an occupier of rateable land who does not own the land, or a lessee who, under the terms of a lease must pay the rates.

Each council's general manager prepares and certifies the non-residential rolls. Claims must be made on the prescribed forms available from council offices or websites.

We are not able to provide advice about eligibility for inclusion in the non-residential rolls of any council/ward. For further information, please contact your local council.

6. Options for voting at the 2008 Local Government Elections

There are a number of voting options available to you at the September 2008 Local Government Elections.

Please note that there is no absent voting at Local Government Elections. This means you must vote in the local government area or ward in which you are enrolled. Also note that there is no interstate or overseas voting at Local Government Elections. If you cannot attend a polling place on election day you must apply to vote before as either a postal voter or a pre-poll voter.

(a) Voting before election day

You can vote before election day as either a postal voter or a pre-poll voter if, on election day, you:

- will not be in your ward/council area
- will not be within 8 km of any polling place
- will be travelling under conditions which will prevent you from visiting a polling place
- are seriously ill and cannot visit a polling place (postal only)
- have a disability
- are prevented by late pregnancy from visiting a polling place (postal only)
- are a member of a religious order or have religious beliefs which prevent you from visiting a polling place or voting during polling hours
- are in prison and are precluded from attending a polling place (postal only)
- are at a place other than a hospital, caring for a person who needs care for medical reasons and you will be prevented from attending a polling place
- will be working during polling hours and are unable to visit a polling place
- are a silent elector.

(i) Pre-poll voting

Pre-Poll voting is available at the office of any Returning Officer during council business hours from 1 September 2008 until 12 September 2008.

Unlike the State Election, there is no absentee voting at Local Government Elections. As a result, you will not be able to vote at the Spastic Centre as a pre-poll voter for the 2008 Local Government Elections.

To vote pre-poll you need to make a declaration at the pre-poll centre that you are eligible to have a pre-poll vote. You are then issued with the ballot papers which must be completed in the office and returned folded to the person who issued them to you.

Pre-poll voting (declared institutions)

The Electoral Commission can nominate institutions such as hospitals and retirement homes as Declared Institutions, allowing them to become a pre-poll voting centre. These are polling places for the convenience of patients and residents only and are visited only on the Monday, Tuesday or Wednesday preceding election day.

(ii) Postal voting

To vote as a postal voter you must complete a postal vote application form and return it to your Returning Officer so that it can be processed and checked against the electoral roll.

Where can I get a postal vote application?

At the time of an election, application forms for postal votes will become available through the NSWEC website www.elections.nsw.gov.au, at post offices and through your returning officer.

If you need to vote by post, make sure you have your application in early so that voting material can be sent to you before election day. Postal vote application forms must be received by your Returning Officer by the Monday before election day.

What happens to my postal vote application?

Once your application has been received and processed you will be sent postal vote ballot papers and a declaration envelope for their return. You must complete the ballot papers and by dating the declaration envelope to show that you voted before the close of election day. The envelope containing the completed ballot paper must be completed prior to 6.00 pm on election day. Alternatively, the envelope can also be handed in at the polling place on election day.

When do postal votes need to be received by the Returning Officer?

Postal votes must be received by the Returning Officer by 6.00 pm on the Monday after election day in order for them to be admitted to the count so get your postal votes in as early as possible.

(iii) Registered general postal voter

The returning officer will send ballot papers, when printed, to registered general postal voters. You can apply to be registered as a general postal voter if you:

- live more than 20 kilometres from a polling place
- are out of NSW for longer than 3 months
- are seriously ill or infirm in a hospital/at home and cannot travel
- are caring for a person not in hospital who is seriously ill or infirm and cannot travel to a polling place
- are in prison but serving a sentence of less than 12 months
- are unable to sign your name due to physical incapacity and provided a written certificate from your doctor when you enrolled
- are a silent elector
- have religious beliefs or membership of a religious order which stops you attending a polling place or voting on election day.

Registration as a general postal voter application forms are available at the NSWEC website at www.elections.nsw.gov.au.

(b) Voting on election day – Saturday, 13 September 2008

On election day, 13 September 2008, you will vote for a councillor to represent your interests and those of other constituents in your council area. In some councils you will be able to vote for your mayor. Where you do not vote for your mayor, the mayor will be elected by the councillors.

To assist electors with a disability and electors from culturally and linguistically diverse backgrounds all polling places will have:

- wheelchair accessible voting screens
- luminous contrast design on election signage and furniture
- hand held magnifiers
- chunky pencils
- “how to vote” guides available in 24 languages

At all polling places on election day, election officials are also available to support any electors who may require assistance. The election official can assist in a variety of ways including reading “How to Vote” materials, reading the instructions or candidates on the ballot papers or, under the elector’s instruction, marking the elector’s ballot paper.

Alternatively, if someone requires assistance, a person nominated by the elector can perform any of the above tasks.

7. Polling places

Information on polling places, including their accessibility status is not yet available. Further information will be provided through this newsletter, the elector enquiry centre and on the NSWEC website www.elections.nsw.gov.au as it becomes available.

8. After election day

The NSWEC is interested in capturing feedback from electors on our conduct of the 2008 Local Government elections. Electors will be able to provide feedback on issues such as enrolment, availability of election information, polling place location and accessibility and general voting matters.

After voting on election day, please give the NSWEC your feedback by completing the online survey at www.elections.nsw.gov.au.

Important election dates and times

Election day	8am to 6pm, Saturday, 13 September 2008
Pre-poll voting	From Monday, 1 September 2008 Until Friday, 12 September 2008
Postal voting	Postal vote applications close: 5.00 pm, 8 September 2008 Return of postal votes must be received by: 6.00 pm, Monday, 15 September 2008

More dates will be advised closer to the election.



Colin Barry
Electoral Commissioner