

Marks, Marley

From: King, Christine (ECSA) <Christine.King3@sa.gov.au>
Sent: Thursday, 16 June 2022 9:22 AM
To: Moyle, John
Subject: 2022 Council Elections important information and timetable

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In reply please quote:
Your ref: ECSAF22/00202



Level 6, 60 Light Square
Adelaide SA 5000
GPO Box 646
Adelaide SA 5001
T +61 8 7424 7400
W ecsa.sa.gov.au
ABN 99 891 752 468

16 June 2022

Mr John Moyle
Chief Executive Officer
PO Box 571
MODBURY SA 5092

john.moyle@cttg.sa.gov.au

Dear Mr Moyle

Re: 2022 Council Elections

As Electoral Commissioner, I am the returning officer responsible for the management of all council elections and polls. The Electoral Commission of SA (ECSA) is preparing for the 2022 local government periodic elections (2022 Council Elections). I am writing to provide important information regarding the election timetable, appointment of electoral officers, certification of the voters roll, candidate briefing sessions and legislative amendments for the 2022 Council Elections.

In relation to the appointment of electoral officers, it is particularly important to detail the appointment process and to ascertain whether your council seeks the nomination of a person you want appointed as the council liaison officer or the local deputy returning officer for the conduct of your elections.

Election timetable

The *Local Government (Elections) Act 1999* (the Act) identifies key dates and activities that occur throughout the election. These key dates and activities are listed at Appendix 1.

Electoral officers

Managing large electoral events like the 2022 Council Elections requires coordination, collaboration, and support between councils and ECSA. One of my responsibilities as returning officer is to appoint electoral officers, some of which will be council staff.

There are 3 types of electoral officer roles:

Council liaison officer (CLO)

The council must (as a minimum) provide at least one member of staff to act as a council liaison officer (CLO) who will be the primary contact for the ECSA deputy returning officer and other staff who are appointed as electoral officers.

Local deputy returning officer (LDRO)

Section 10(3) of the Act provides for a council to nominate a suitable person to be appointed as a local deputy returning officer (LDRO) with a range of delegations and responsibilities in conducting that council's elections.

Where a council nominates an LDRO (for example, council CEO or another nominated person) they will be required to attend training, follow documented processes, and adhere to directions published in training manuals, instructions, and circulars.

A council can nominate a CLO or an LDRO; however, if an LDRO is appointed, they will also assume the responsibilities detailed for the CLO at Appendix 2.

Deputy returning officer (DRO – ECSA appointed)

Deputy returning officers (DRO) are the key support officers who assist me in the conduct of the elections, appointed to manage elections within each council and within the delegated authority granted to them. These officers are generally staff of ECSA with experience in the management and conduct of elections.

Where a council cannot nominate an LDRO, ECSA will provide a suitable person to undertake that role. The specific duties and responsibilities for each of the above roles is provided at Appendix 2.

Nominating a council employee

To nominate a council staff member as a CLO or an LDRO, you must complete the form at Appendix 3. A separate form is required for each person being nominated. Please email completed forms to richard.hayman@sa.gov.au. Your prompt response nominating relevant electoral officers for the 2022 Council Elections would be highly appreciated.

Voters roll certification

Completion of the voters roll requires collaboration between ECSA and the council. The close of rolls will be at 5:00 pm, Friday 29 July 2022. Within 7 days of the close of rolls, a file of enrolled House of Assembly electors for your council area and detailed instructions will be forwarded to the person responsible for the council voters roll. Within 3 weeks of receiving this data, you must supply ECSA with a postal data file of the council supplementary roll. This file must also be certified. Further information will be provided with the release of the House of Assembly roll.

As chief executive officer of the council, you are required to provide copies of the certified voters roll for election purposes. This may include supplying a copy to candidates following the close of nominations or for public inspection. I will provide forms for any candidate who is supplied an electronic copy of the roll to ensure the roll is used for the purpose of the election only. There is a maximum penalty of \$10,000 for any misuse of the roll.

Candidate briefing sessions

In response to feedback from candidates following the 2018 Council Elections, and in consultation with the Local Government Association (LGA), ECSA is offering an enhanced approach to candidate briefings for the 2022 Council Elections.

ECSA will provide:

- succinct briefings that predominantly focus on using the new online nomination portal, and information about the scrutiny and count
- accessible options including:
 - Live webinars that include a Q&A session
 - A recorded version of the webinar – available 24/7
 - A small number of face-to-face briefings
- briefings held in the 2 weeks prior to nominations opening, plus briefings during the nominations open period to cater for candidates who decide to stand at the last minute
- nomination resources and associated materials available via our website.

Whilst ECSA's briefing sessions are open to everyone interested in nominating, we strongly encourage candidates to attend an LGA or council-hosted information session prior to attending. A schedule of the ECSA candidate briefing session can be found at Appendix 4.

LGA candidate information session

The LGA will run a candidate information session called 'Make a Difference' on 23 July 2022.

This live webinar session will provide information on what it's like to be on council.

The LGA will also host a short training workshop for council staff on 19 July 2022 on how to run their own candidate sessions. This will be supported by a 'Make a Difference' toolkit which includes a presentation guide. More information will be available to councils through the LGA soon.

Legislative amendments

Changes to the *Local Government (Elections) Act 1999*, the *City of Adelaide Act 1998* and associated regulations have been introduced by the *Statutes Amendment (Local Government Review) Act 2021* (Amending Act). The provisions of the Amending Act are being introduced in stages. For your information, the current changes (and some anticipated ones) of most interest to councils can be found at Appendix 5.

If you require any further information, please contact Manager Elections, John Alderman at john.alderman@sa.gov.au or phone 08 7424 7418.

I look forward to working with you to deliver the 2022 Council Elections.

Yours sincerely



Mick Sherry
Electoral Commissioner



2022 Council Elections

The key dates and activities of significance include:

| | |
|--|---|
| Roll close - <i>s15(7)(a)</i> | 5:00 pm, Friday 29 July 2022 |
| Last date for EC to supply HA roll data to CEOs - <i>s15(10)(a)</i> | Friday 5 August 2022 |
| Public notice inviting nominations – <i>s18</i> | by Tuesday 23 August 2022 |
| Nominations open - <i>s19(4)</i> | Tuesday 23 August 2022 |
| Last date for voters rolls to be brought up to date - <i>s15(13)</i> | Friday 26 August 2022 |
| Nominations close - <i>s23(a)</i> | 12 noon, Tuesday 6 September 2022 |
| Draw for position of candidate names on the ballot paper - <i>s29(3)(a)</i> | 4:00 pm, Tuesday 6 September 2022 |
| Publication of candidate profiles on the internet – <i>s19A(2)</i> | no later than Thursday 20 September 2022 |
| Last date for public notice of nominations received and notice in writing to candidates - <i>s26(1)(2)</i> | no later than Thursday 22 September 2022 |
| Furnish a campaign donations return – <i>s80(3)(a)(i)</i> | 7 days of the end of the disclosure period and within 21 days after the close of nominations Tuesday 4 October 2022 |
| Mail out of voting material to electors - <i>s39(1)</i> | Friday 14 October to Thursday 20 October 2022 |
| Last day for issue - <i>s39(4)</i> reissue of voting material <i>s43(4)</i> | 5:00 pm, Thursday 3 November 2022 |
| Close of voting (polling day) - <i>s5</i> | 5:00 pm, Thursday 10 November 2022 |
| Conclusion of uncontested periodic elections - <i>s4(2)(a)(i)</i> [LG Act] | Friday 11 November 2022 |
| Scrutiny and count - <i>s47(1)(b)</i> | 9:00 am, Saturday 12 November 2022 |
| Provisional declaration - <i>s48(1)(1a)</i> | Manual counts – immediately after the completion of each election count Computer counts – immediately after the count is completed |
| Request for a recount - <i>s49</i> | Within 72 hours of the provisional declaration |
| Conclusion of contested elections - <i>s4(2)(a)(ii)</i> [LG Act] | Upon certification of result by returning officer |
| Court of Disputed Returns petition – <i>s70</i> | Latest date for petition within 28 days of the conclusion of an election |
| Furnish a campaign donations return – <i>s80(3)(b)</i> | Within 30 days after the conclusion of an election |
| Public notice of election result - <i>s50(3)(b)</i> | Within one month after the conclusion of an election |
| Last date for RO to make and certify a return - <i>s51(1)</i> | Within one month after the conclusion of an election |
| Retention of voting material - <i>s56(1)</i> | Until the RO is satisfied the election cannot be questioned |

Appendix 2

Delegations and responsibilities for election conduct

ECSA DRO managed responsibilities

- appointing all staff required for the conduct of the election including council liaison officers and electoral officers
 - preparing and placing statutory notices
 - forwarding all relevant electoral material to the council liaison officer/local deputy returning officer
 - receiving and processing nominations and withdrawals of nominations
 - advising candidates via email/in writing, of the receipt of their nomination and where the draw for position of the ballot paper will be held
 - organising the procedures for the close of nominations and ballot paper draw
 - notifying each candidate and the council chief executive officer of the result of close of nominations
- determining the scrutiny location in consultation with the council
 - arranging the production and printing of ballot material for the mailout
 - arranging the mailout of ballot material to electors
 - processing returned ballot material
 - issuing or re-issuing ballot material to electors
 - conducting the scrutiny and count (if required)
 - provisionally declaring the election results
 - conducting any recounts as necessary
 - formally declaring the election result
 - writing to the council chief executive officer and all candidates confirming final election results
 - referring complaints to the returning officer

Council liaison officer responsibilities

- attending training programs conducted by ECSA
 - ensuring electoral officers accept, complete, and return code of conduct and appointment forms to ECSA
 - providing a computer and projector screen for the conduct of the candidate briefing session (if applicable)
 - distributing nomination kits and nomination forms to intending candidates
 - receiving nominations, candidate profiles and photographs (if applicable)
 - emailing copies of nomination forms and candidates' profiles to the appropriate ECSA DRO (if applicable)
- arranging for final day nominations, candidate profiles, photographs (if applicable) to be posted using the express courier bag to the Electoral Commission SA as soon as possible
 - dealing with elector enquiries of a general nature and referring as necessary to the ECSA DRO
 - arranging for the provision and security of a ballot box at the principal council office for electors who wish to personally deliver completed voting material during office hours

- obtaining sufficient certified copies of the voters roll from the council CEO for the conduct of the election and providing the roll to candidates following the close of nominations
- organising the collection and return of completed voting material (deposited in ballot box) to ECSA
- assisting with the scrutiny and count if required
- returning voting material and equipment to ECSA when advised

Local DRO responsibilities

- attending training programs conducted by ECSA
- responding to requests made by the returning officer
- conducting candidate briefing sessions for prospective candidates – during the nomination period (if applicable)
- conducting the procedures for the close of nominations
- announcing the final nominations and conduct the draw/s for position of candidate names on the ballot paper/s as soon as practicable after 4:00 pm on Tuesday 6 September 2022
- declaring candidates elected to uncontested vacancies
- arranging the immediate transmission of results of the draw to ECSA via email
- recruiting and appointing staff for the scrutiny and count
- processing and scanning the contents of the ballot box and forward file to ECSA following close of voting on Thursday 10 November 2022 (some country councils only)
- receiving processed voting material to conduct the scrutiny and count
- setting up a room in preparation for the scrutiny and count and briefing staff on the scrutiny and count procedures
- receiving scrutineer authority forms and briefing scrutineers on the scrutiny procedures to be followed
- managing the scrutiny and count of ballot papers including showing scrutineers the rejected ballot paper envelopes and explaining the reasons for rejection from 9:00 am, Saturday 12 November 2022
- arranging for the secure dispatch of ballot papers to the central processing centre - if required
- provisionally declaring election results
- forwarding the provisional result count sheets to council and ECSA
- conducting a recount if advised by the returning officer
- formally declaring election results
- return required election related forms to ECSA

Appendix 3

Election position nomination - 2022 Council Elections 10 November

Council information

| | |
|------------------|--|
| Name of council | |
| Street address | |
| Telephone number | |
| Email address | |

Council contact person for election purposes

| | |
|-------------------------|--|
| Name | |
| Direct telephone number | |
| Election position | Please tick <input checked="" type="checkbox"/> <input type="checkbox"/> Local deputy returning officer <input type="checkbox"/> Council liaison officer |

Chief executive officer authorisation

| | |
|-----------|--|
| Name | |
| Signature | |
| Date | |

**Please complete and return this form via email
NO LATER THAN Friday 24 June 2022**

Return to: richard.hayman@sa.gov.au

Schedule: ECSA 2022 candidate briefings

| Date | Time | Delivery type | Audience | Venue |
|---------------------------------------|-------------------|---------------|------------------|---------------------------------|
| Two weeks before nominations open | | | | |
| Mon 8 Aug | 5:30 pm – 7:00 pm | Face to face | Open to everyone | TBA - Adelaide southern suburbs |
| Tue 9 Aug | 5:30 pm – 7:00 pm | Live webinar | Open to everyone | N/A |
| Wed 10 Aug | 2:00 pm – 3:30 pm | Face to face | City of Adelaide | TBA - Adelaide CBD |
| One week before nominations open | | | | |
| Mon 15 Aug | 5:30 pm – 7:00 pm | Live webinar | Open to everyone | N/A |
| Tue 16 Aug | 5:30 pm – 7:00 pm | Face to face | Open to everyone | TBA - Adelaide northern suburbs |
| Thu 18 Aug | 5:30 pm – 7:00 pm | Face to face | Open to everyone | TBA - Adelaide CBD |
| Nominations open on Tuesday 23 August | | | | |
| Tue 23 Aug | 5:30 pm – 7:00 pm | Live webinar | City of Adelaide | N/A |
| Wed 24 Aug | 5:30 pm – 7:00 pm | Live webinar | Open to everyone | N/A |

Notes:

- How to register for a session will be provided in due course.
- Webinars will be via Teams and participants will be provided with a link to join - they do not need to download any software.

| Legislative change which is the most relevant to council | |
|---|---|
| 2018 legislation | New amendments which relate to council for periodic election purposes |
| Voters roll | |
| <p>Must, within seven days after a closing date supply the council CEO with the voters roll.</p> <p>Supply candidates following the close of nominations a hard copy of the roll for the conduct of the election. There was no penalty clause.</p> | <p>Must, within seven days after a closing date – Friday 5 August 2022 and may, at any other time supply the council CEO with the voters roll. This inclusion was to cover the monthly file ECSA forwards to all councils for the maintenance and continuous roll update with comparison to the council supplementary roll. A list may be supplied in electronic form. At any time between the close of nominations and polling day a nominated candidate is entitled to obtain a copy of the roll from the chief executive officer for the council in an electronic format. \$10 000 penalty for misuse of the roll.</p> |
| Special arrangements for issue of voting papers | |
| The returning officer may make arrangements for the personal delivery of voting papers to specified institutions or places. | The returning officer may arrange delivery of voting papers in printed or electronic form to specified institutions or places. |
| Mailout of ballot material | |
| The mailout of the election material from after the 21st day before polling day but no later than the 14th day before close of voting (polling day). | The mailout of the election material has changed to after the 28th day before polling day but no later than the 21st day before close of voting (polling day). |
| Last date for postal/personal issue or re-issue of ballot material | |
| Postal issue/re-issue of ballot material was 5:00 pm, second last business day before close of voting . Personal issue/re-issue of voting material was close of voting . | 5:00 pm, on the seventh day before close of voting . Therefore, no issue/re-issue kit will be required to be sent to councils. |
| Close of voting (polling day) | |
| Close of voting the last business day before the second Saturday of November. | <p>Close of voting the second last business day before the second Saturday of November in 2022</p> <p>5:00 pm Thursday 10 November 2022.</p> |
| Scrutiny and count | |
| Scrutiny and count will occur the day following close of voting (polling day) for the election at a time determined by the returning officer. | Second day following close of voting for the election at a time determined by the returning officer. |
| Public notices | |
| Public notices for the election must be published in the <i>Gazette</i> and in a newspaper circulating the area. | Definition of public notice has changed in the <i>Local Government Act 1999</i> ; however, the <i>Local Government (Elections) Act 1999</i> does not reflect the same change. Therefore, ECSA will still need to publish public notices in the <i>Gazette</i> and newspapers. |

| 2018 legislation | New amendments which relate to council for periodic election purposes |
|---|--|
| Entitlement to stand | |
| Eligibility to stand – Australian citizen or a prescribed person and the person is an elector for the area or a designated person for a body corporate or group which has its name on the voters roll for the area. | The designated person for a body corporate or group has been replaced with a nominated person for a body corporate or group. Additional definition for an officer of a body corporate and member of a group. Prescribed person has been removed. Amendments to nominated person provisions for a body corporate or group for the City of Adelaide council have not yet been proclaimed. |
| Nominations – candidate profiles | |
| Nominations must be accompanied by a candidate profile of not more than 150 words . | A profile which forms part of the nomination and if relevant must disclose as part of the profile if the candidate is an existing member or in the preceding 12 months was a member of a registered political party and reveal the name of the political party and if they are no longer a member, when they ceased to be a member of the party . In accordance with regulations expected to be proclaimed by end of June 2022, this will not form part of the word/character count. The profile must also contain a statement as to whether the candidate lives in the area or ward of the council in which the candidate is nominating for election . In accordance with regulations expected to be proclaimed by end of June 2022, this will not form part of word/character count. Change to the number of words (150 words) to 1000 characters and the endorsement of the photograph and candidate profile including digital signature, are expected to be proclaimed in regulations due by end of June 2022 . |
| Failure of an election | |
| If between the close of nominations and the close of voting a nominated person dies and the election is to fill one vacancy such as the mayor; the election will be taken to have wholly failed and a supplementary election will be conducted. If between the close of nominations and the close of voting two or more candidates die, the election will be taken to have wholly failed. | If between the close of nominations and the close of voting a nominated person dies or becomes ineligible to be a candidate for election in accordance with section 17 and the election is to fill one vacancy such as the mayor; the election will be taken to have wholly failed and a supplementary election will be conducted. If between the close of nominations and the close of voting two or more candidates die or become ineligible to be candidates for election in accordance with section 17 , the election will be taken to have wholly failed. |

| 2018 legislation | New amendments which relate to council for periodic election purposes |
|--|---|
| Display of nominations | |
| Display a copy of the nomination in the principal office of the council. | The returning officer must provide a list of candidates for their respective council within 24 hours after the close of nominations and publish on the internet. |
| Publication of candidate statements | |
| Candidate may, within 5 business days of close of nominations, provide an electoral statement to the LGA for publication. | No provision for electoral statement. |
| The returning officer must provide each candidate's profile to the LGA for publication on the internet. | The returning officer must as soon as practicable after close of nominations, and within 14 days after the close of nominations, cause each candidate's profile to be published on the internet in accordance with the regs. |
| Changes to the scrutiny and count for single vacancies | |
| For a single vacancy, following first preference votes for each candidate in the election and no candidate has received the number of votes equal or greater than the quota, the candidate with the lowest number of first preference votes will be excluded and the ballot papers distributed to the next available preference. | Provision for a simplified count method for the distribution of preferences to the next available candidate. |
| Each parcel received by a candidate is dealt with as a separate count. The transfer value for a single vacancy is 1 and the count will continue until a candidate either reaches quota or there are only two candidates remaining in the count, the candidate with the highest number of votes will be elected. | Following the first preference count if no candidate has received the number of votes equal or greater than the quota the candidate with the lowest number of first preference votes will be excluded and all parcels received by a candidate following the first preference count will be grouped together and distributed as one parcel to the next available preference in the count until a candidate either reaches quota or if there are only 2 candidates remaining in the count the candidate with the highest number of votes will be elected. |
| Campaign donations | |
| All candidates must furnish a campaign donations return with the council CEO within 30 days after the conclusion of the election. The campaign donations return should include a total of the amount or value of gifts received disclosing gifts and details of persons/organisations providing those gifts and the name and address of the person/s who gave the gift. | <p>All candidates must furnish 2 campaign donations return and large gifts returns (if relevant).</p> <p>The first campaign donations return to be furnished by <i>Tuesday 4 October</i> and the second to be furnished within 30 days of the conclusion of the election.</p> <p>Campaign donations returns are no longer returned to the chief executive officer but to the returning officer within the prescribed times in the <i>Local Government (Elections) Act 1999</i>. The form of the return is no longer prescribed in Form 2 of the <i>Local Government (Elections) Regulations 2010</i>.</p> <p>If a candidate receives a gift or gifts from the same donor in excess of the prescribed amount of \$2,500, they must also lodge a large gift return within 5 days after receipt.</p> <p>The requirement for campaign expenditure returns for candidates in the City of Adelaide council elections remains unchanged.</p> <p>The returning officer must display large gift returns and campaign donations returns on a website within prescribed times.</p> |
| 2018 legislation | New amendments which relate to council for periodic election purposes |
| Misleading advertising | |
| No power for the Electoral Commissioner to apply to the Courts for electoral material alleged deemed to be inaccurate or misleading to a material extent. | The Electoral Commissioner can make application to the Supreme Court for withdrawal and retraction and an election may be declared void on grounds of defamation of candidate or publication of misleading material if the Court is satisfied the election result was affected. |
| Illegal practices | |
| Bribe includes any pecuniary sum or material advantage including food, drink, or entertainment. | The definition of bribe remains the same but there is a prescribed value applied of \$20 before food, drink or entertainment can be considered to meet the definition. |
| Court of Disputed Returns | |
| No express legislative power for the Electoral Commissioner to apply to the Courts in relation to errors of recording, scrutiny or counting. | The Electoral Commissioner may petition the court to dispute the validity of an election on the grounds of errors in recording, scrutiny, counting or recounting of votes. |
| Assisted voting | |
| If a voter is illiterate or physically unable to complete ballot material, a person can contact the returning officer and seek approval for a person to vote and complete the declaration on | Issue ballot material personal or otherwise to electors who are a prescribed person; sight-impaired elector or an elector prescribed by the regulations and is unable to vote without assistance. |

behalf of the voter following direction from the voter.

Regulations must be finalised and implemented by end of June 2022 for assisted voting to be offered.