

2020 NSW Local Government elections Bulletin

Bulletin no.1

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1. Accessing important information

Information about the 2020 NSW Local Government elections will be available on the NSW Electoral Commission website: <https://www.elections.nsw.gov.au/LGE20>

The website will be progressively updated over the coming months and throughout the election period to provide information about funding registration, campaign finance and disclosure rules.

You can also contact the NSW Electoral Commission with any enquiries.

Phone: 1300 022 011

Email: fdc@elections.nsw.gov.au for funding registration, campaign finance and disclosure enquiries

Email: candidates@elections.nsw.gov.au for nomination and electoral material enquiries.

2. Election Calendar

The following dates apply to the 2020 NSW Local Government elections.

Pre-election activities	Date
Candidate, group and third-party campaigner funding registrations	Registrations opened the day after the last general election for the council area
Capped expenditure period commences	Wednesday, 1 July 2020
Political donation disclosures due for the period 1 January to 30 June 2020 (applicable to parties, current elected members and associated entities as well as all candidates, groups and third-party campaigners registered prior to 1 July 2020)	Tuesday, 28 July 2020
Major political donor disclosures due for the 2019/20 financial year (applicable to all donors who made a political donation of \$1,000 or more in the financial year)	Tuesday, 28 July 2020
Lodgement of postal vote applications commences	Monday, 3 August 2020

Nominations period	
Nominations online management system available on the website to commence completing nomination forms	Monday, 6 July 2020
Lodgement of nominations commences	Monday, 3 August 2020
Roll closes for confirming candidates and nominators and also authorised roll printing	6pm Monday, 3 August 2020
Close of nominations of candidates	12 noon Wednesday, 12 August 2020
Close of funding registration of candidates and groups	12 noon Wednesday, 12 August 2020
Ballot paper draw(s) conducted at the office of the returning officer for each area	10am Thursday, 13 August 2020
Close of funding registration for third-party campaigners	Friday, 4 September 2020
Registration of electoral material period	
Registration of electoral material (how-to-vote cards) for distribution on election day commences	Wednesday, 12 August 2020
Close of registration of electoral material (how-to-vote cards)	5pm Friday, 4 September 2020
Registered electoral material appears on the website	8am to 6pm Saturday, 12 September 2020
Pre-poll period	
Pre-poll voting period commences	Monday, 31 August 2020 Note: days and times of operation will vary for each location
Close of postal vote applications	5pm Monday, 7 September 2020
Declared institution visits	During the week of Monday, 7 September 2020 to Friday, 11 September 2020
Close of pre-poll voting period	Friday, 11 September 2020
Election day	
Election day	Saturday, 12 September 2020 Polling places open from 8am to 6pm
End of capped expenditure period	Saturday, 12 September 2020

Post election activities	
Close of receipt of returned postal vote certificate envelopes	6pm Monday, 14 September 2020
All elections declared	By Friday, 25 September 2020
Electoral expenditure disclosures due for the 2019/20 financial year (applicable to parties and associated entities, all candidates, groups and third-party campaigners registered prior to 1 July 2020 and all who were elected members in the financial year)	Tuesday, 22 September 2020
Political donation disclosures due for the period 1 July to 31 December 2020 (applicable to all parties, associated entities, candidates, groups, third-party campaigners, new elected members and elected members who were not re-elected)	Thursday, 28 January 2021
Political donation disclosures due for the period 1 January to 30 June 2021 (applicable to all parties, associated entities, candidates, groups, third-party campaigners, new elected members and elected members who were not re-elected)	Wednesday, 28 July 2021
Major political donor disclosures due for the 2020/21 financial year (applicable to all donors who made a political donation of \$1,000 or more in the financial year)	Wednesday, 28 July 2021
Electoral expenditure disclosures due for the 2020/21 financial year (applicable to all parties, associated entities, candidates, groups, third-party campaigners, new elected members and elected members who were not re-elected)	Wednesday, 22 September 2021

3. Administration of 2020 Local Government elections

All councils in NSW have indicated they will enter into a contract with the NSW Electoral Commissioner to conduct their elections in September 2020, with the exception of the following four councils:

- Fairfield City Council
- Penrith City Council
- Central Darling Shire Council (currently under administration)
- Balranald Shire Council (currently under administration).

Fairfield City and Penrith City councils have engaged an electoral services provider to administer their 2020 elections. Information in this Bulletin about funding registration, campaign finance and disclosure rules administered by the NSW Electoral Commission still applies, however you will need to contact those councils about the administration of nominations, electoral material, postal votes etc. for those elections.

4. New electoral funding laws apply

The *Electoral Funding Act 2018* will apply to the 2020 Local Government elections. Important recent changes to electoral funding laws include:

- It is unlawful for a person to make or accept political donations in the form of cash over \$100. Political donations over \$100 must be made electronically or by cheque. This rule came into effect on 1 January 2020. Information is available on the NSW Electoral Commission website about this and other types of [unlawful political donations](#), such as a donation by a Member of Parliament who is endorsed by a political party to an independent candidate for a Local Government election.
- Electoral expenditure incurred for a local government election is now capped. The capped expenditure period for the 2020 NSW Local Government elections starts 1 July and ends on Election Day, Saturday 12 September 2020. The caps are based on the number of enrolled electors in an area or ward and apply to parties, candidates, groups and third-party campaigners. This [fact sheet](#) provides detailed information on the caps on electoral expenditure. The caps for each area and ward will be published on the NSW Electoral Commission website.
- Candidates and groups no longer have an official agent to manage and disclose political donations and electoral expenditure. Candidates (including candidates in a group) are responsible for managing and disclosing their political donations and electoral expenditure. The lead candidate of a group is responsible for the management and disclosure of political donations made to the group and any electoral expenditure incurred by the group that is separate to expenditure incurred by individual group members.
- A corporation or other entity that operates solely for the benefit of one or more registered parties or elected members is an associated entity, must be registered with the NSW Electoral Commission and must comply with electoral funding laws.
- In addition to corporations, the meaning of property developer now includes individuals who have certain business activities related to the development of land. Close associates of property developers now include a spouse of, or any person in a joint venture or partnership with, an individual who is a property developer. Property developers, like tobacco business entities, and liquor or gambling industry business entities, are prohibited donors and penalties apply for making and receiving unlawful political donations. Further information is available on the [NSW Electoral Commission website](#).
- Political donations must be disclosed every six months. Electoral expenditure is still required to be disclosed annually. This [fact sheet](#) shows the timing for the lodgement of disclosures for the 2019/20 financial year.

5. Candidate, group and third-party campaigners must register to start campaigning

Candidates and groups

Applying to be registered in compliance with electoral funding laws is a separate process to nominating for the election.

All candidates and groups must register for the election before accepting political donations or making payments for electoral expenditure.

Current councillors seeking re-election, however, do not need to be registered before accepting political donations or making payments for electoral expenditure.

Registrations are now open and will close at the same time as the close of nominations (12 noon on Wednesday, 12 August). All nominated candidates and groups that did not apply to be registered will be registered by the NSW Electoral Commission from the close of nominations, enabling all candidates and groups to accept political donations and make payments for electoral expenditure from that time.

To apply to be registered, a candidate or group of candidates must complete and lodge the applicable form:

- Application to register as a group of Local Government candidates (EF.732)
- Application to register as Local Government candidate (EF.729).

The forms are available on the [NSW Electoral Commission website](#).

Third-party Campaigners

Any person or entity that wants to incur more than \$2,000 in electoral expenditure for an election in an area or ward between 1 July and Election Day must be registered as a third-party campaigner. Third-party campaigner registrations are now open and close on Friday, 4 September 2020.

A third-party campaigner must appoint an official agent. The official agent is responsible for managing and disclosing the political donations and electoral expenditure of the campaigner. More information can be found on the [NSW Electoral Commission website](#).

To apply to be registered and to notify us of the appointment of an official agent complete and lodge the following form:

[Application to register as a third-party campaigner and appoint an official agent \(EF.735\)](#)

Public registers

The details of registered candidates, groups, third-party campaigners and official agents are included in publicly available registers that are published on the [NSW Electoral Commission website](#).

If your registered details change you must notify us within 30 days by completing and lodging the following form:

[Notice of change in registered particulars \(EF.740\)](#)

6. Determining who is responsible for compliance with electoral funding laws

The *Electoral Funding Act 2018* determines who is responsible for complying with electoral funding laws, including fulfilling the following requirements:

- making disclosures of political donations and electoral expenditure
- accepting political donations and making payments for electoral expenditure
- operating a campaign account.

In most cases, the person responsible for complying with electoral funding laws at local government elections is as follows:

- for a political party – the party agent
- for a councillor or mayor – the councillor or mayor
- for a candidate including a candidate who is a member of a group – the candidate
- for a group of candidates – the lead candidate of the group
- for a third-party campaigner – the official agent

The only exception is where the NSW Electoral Commission has been notified, using the approved form, that a party agent of a registered party has agreed to be responsible for the political donations and electoral expenditure of a councillor, mayor or candidate who is a member of the party, or for a group whose members are members of the party.

Further information is available on the [NSW Electoral Commission website](#).

7. Campaign accounts

All electoral expenditure incurred by a party for a local government election campaign must be paid from the party's local government campaign account.

Candidates and groups must open a campaign account before accepting \$1,000 or more in political donations or incurring \$1,000 in electoral expenditure. All political donations made to or for the benefit of a candidate or group, which are used to incur electoral expenditure, must be paid into the campaign account and electoral expenditure must be paid from the campaign account.

If a candidate or group has a campaign account open from the previous election, the account must be cleared before being used for the 2020 election. The balance left in the account from the previous election must be dispersed in accordance with the rules outlined on the [NSW Electoral Commission website](#).

Third-party campaigners must open a campaign account before paying for more than \$2,000 in electoral expenditure during the capped expenditure period (1 July 2020 to Election Day).

Further information about operating a campaign account is available on the [NSW Electoral Commission website](#).



John Schmidt

Electoral Commissioner