

2020 NSW Local Government elections Bulletin

Bulletin No. 2

Issued 6 April 2020

1. Postponement of Local Government elections 2020

Following the passage of legislation on Tuesday, 24 March 2020, the Minister for Local Government has announced that the September 2020 Local Government elections are being postponed because of the COVID-19 pandemic. Here is the link to the Office of Local Government (OLG) Circular:

<https://www.olg.nsw.gov.au/council-circulars/20-10-postponement-of-the-september-2020-local-government-elections/>

At this stage we are working through the impact of the postponement and how we will deliver the elections in 2021. We will be in contact in due course regarding a new timetable and the implications for political participants, some of which are outlined in this bulletin.

Any questions relating to the Circular, e.g. filling councillor vacancies, mayoral elections and timing of the postponed elections, should be directed to OLG.

2. Information for current registered candidates, groups and third-party campaigners

The postponement of the elections will have implications for candidates, groups and third-party campaigners who were already registered under the *Electoral Funding Act 2018* for the 2020 local government elections. Most importantly, the postponement of the elections to 2021 will extend the period for which you must submit disclosure forms by a further 12 months.

If you plan to pause your campaign funding activities over the coming months you may wish to consider cancelling your registration and then applying to be registered again if you decide to resume your campaigning activities. Campaign funding activities means accepting political donations and making payments for electoral expenditure.

Once your registration is cancelled you can no longer accept political donations or make payments for electoral expenditure. You can apply to be registered for the election again when you decide to resume campaign funding activities.

Can a candidate, group or third-party campaigner cancel their registration?

Yes but only if the candidate, group or third-party campaigner:

- no longer wants to participate in, or contest, an election, or
- will no longer be undertaking campaign funding activities due to the postponement of the elections.

To request the cancellation of your registration email fdc@elections.nsw.gov.au.

In the case of a group, the lead candidate of the group can request cancellation of the group's registration, and each candidate in the group will also need to request cancellation of their own registration.

The official agent of a third-party campaigner can request cancellation of the campaigner's registration.

As noted above, you can apply to be registered for the election again when you decide to resume campaign funding activities.

Do candidates, groups and third-party campaigners still need to submit disclosure forms for the current financial year?

Yes. After 30 June 2020 candidates, groups and third-party campaigners who were registered at any stage in the 2019-20 financial year must submit disclosure forms. Political donation disclosure forms for the half-yearly period ending 30 June 2020 are due 28 July 2020. Electoral expenditure disclosure forms for the annual period ending 30 June 2020 are due 22 September 2020.

If I cancel my registration, can I receive political donations or make payments for electoral expenditure for my election campaign?

No. If your registration is cancelled you must not accept political donations or make payments for electoral expenditure until you are registered again for the 2021 elections. You will need to apply to be registered again when you decide to resume campaign funding activities.

Why might I want to cancel my registration?

If your registration is cancelled prior to 1 July 2020 you will not be required to submit disclosure forms beyond those in respect of the 2019-2020 financial year until you are registered again for the election.

Can I remain registered for the elections even though they will now be held in 2021?

Yes. You can remain registered for the 2021 elections and you do not need to tell us you intend to continue your registration. If you remain registered you will need to submit disclosure forms every six months between 30 June 2020 and 30 June 2022, as well as the annual disclosure forms for electoral expenditure. If you remain registered you can continue to accept political donations and make payments for electoral expenditure.

I am a current councillor or Mayor. Do I still need to submit disclosure forms?

Yes. As an elected member of a local Council you must continue to submit disclosure forms every six months for political donations and annually for electoral expenditure. These disclosure forms are separate to any other disclosure forms you are required to submit if you are also a registered candidate or the lead candidate of a registered group.

For more information about electoral funding laws, including your disclosure obligations, please refer to the [Electoral Funding Act 2018](#) or visit www.elections.nsw.gov.au.

3. Information for unregistered parties

The postponement of the elections means that there is now a further short period of time in which new parties could be registered with the NSWEC for the 2021 elections. Registered parties have certain entitlements including having the name of the party printed on the ballot paper next to the names of the party's endorsed candidates and groups.

New parties must be registered within 12 months of the date on which rolls of electors close for the election. This date is determined by the date of the election.

As the date of the elections is yet to be confirmed, it is recommended that parties wishing to be registered for the elections in 2021 apply for registration **as soon as possible**.

Applications must include all requisite forms, information, and documents to ensure they can be processed according to the requirements of the relevant legislation. Prospective applicants should contact the NSW Electoral Commission at fdc@elections.nsw.gov.au for access to its Political Party Registration System, and to seek advice about the permissibility of their proposed party name, before lodging a formal application.

Prospective applicants should also consider now if they will be able to meet the relevant requirements for party registration while the restrictions arising from the COVID-19 pandemic apply.

4. NSW Electoral Commission operations during COVID-19 pandemic

Due to COVID-19 public health requirements, the NSW Electoral Commission's Kent Street premises and call centres are closed until further notice. While NSW Electoral Commission staff continue to work remotely, it may take additional time to respond to your written and emailed enquiries.

If you need to contact the NSW Electoral Commission, please visit the [Contact Us page](#) on our website and send us your inquiry via online form or email. We will respond as soon as we can.

If you have any questions about the content of this bulletin please email fdc@elections.nsw.gov.au



John Schmidt
Electoral Commissioner