

10.1.1 Extraordinary Election

Location:	Not Applicable
Applicant:	Not Applicable
File Ref. No:	GOVN002
Disclosure of Interest:	Nil
Author:	Chief Executive Officer
Attachments:	10.1.1A Election Timetable December 2021 10.1.1B Election Timetable February 2022

Summary

Council is requested to consider the options for the holding of an Extraordinary Election following the close of nominations on 9 September 2021.

Background

At the close of nominations for the 2021 Local Government Elections, two (2) nominations were received and the candidates were declared elected. As there were four (4) vacancies, there is a requirement to have an extraordinary election within four (4) months of the vacancy occurring.

Comment

When applying the requirements of section 4.9 of the *Local Government Act 1995*, Council or the President needs to fix the date within one month after 10 September 2021 (s.4.9(1)). Further, the extraordinary election needs to occur within 4 months after the 10 September 2021, unless otherwise approved by the Electoral Commissioner (s.4.9(2)).

An electoral roll is to be prepared for each election, except for some extraordinary elections. A new roll need not be prepared for an extraordinary election if the Election Day is less than 100 days after the Election Day for another election for the local government, i.e. is held before the 24 January 2022. This is subject to the CEO and the Electoral Commissioner agreeing that the earlier roll is suitable for use for the extraordinary election.

If the Council or President decide on a date for the extraordinary election before 24 January 2022, the existing roll can be used with the approval of the Electoral Commissioner. If Council would like to give eligible electors an opportunity to apply to go on the roll for the extraordinary election, a process of advertising will need to be undertaken.

Discussions have been held with the Western Australian Electoral Commission regarding the options for dates. The key dates the WAEC recommended to consider when setting an election date are the close of roll, and the receiving of nominations. Due to this, the WAEC recommends either December or late February. Draft timetables are attached (10.1.1A & 10.1.1B), which propose the options for the Election Day being:

- Friday, 17 December 2021
 - Close of roll: 28 October 2021
 - Nominations open: 3 November 2021
 - Nominations close: 10 November 2021

Policy Implications

Nil

Financial Implications

Additional costs to facilitate the election process will be incurred, however, these will be kept to a minimum through conducting the election process in-house, and sharing of advertising costs with other local governments where this is possible.

Economic Implications

Nil

Social Implications

The timing of the election process during the Christmas and New Year period is not ideal, and therefore the recommendation is to delay the election until February. If Council choose a December 2021 date, absent or postal voting is available for those ratepayers and residents who may not be available to vote in person on the day.

Environmental Considerations

Nil

Consultation

Western Australian Electoral Commission

Options

Council may choose to:

1. Amend the dates of the election, within legislative guidelines.
2. Choose to use the existing electoral roll where the election is less than 100 days after the election day.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION – ITEM 10.1.1

That Council agrees to conduct an 'in person' Extraordinary Election to fill two (2) vacancies on Friday 25 February 2022, and invites eligible electors to be included on a new electoral role.



ORDINARY COUNCIL MEETING

16 September 2021

ATTACHMENT

10.1.1 A

Extraordinary Election

Election Timetable December 2021



Elections Timetable Template

Local Government Elections 2021

Enter election date>> 17-12-21

Note: Please manually adjust dates in the 'Date' column which fall on a public holiday to the next business day.

	Days from Polling Day	Election Activities or Events	Relevant Act sections or Regulations	Day	Date
	80	Last day for local governments to gain agreement from the Electoral Commissioner to conduct the election (compulsory if intent is to hold a postal election).	LGA s4.20 (2)(3)(4) LGA s4.61 (2)(4)	Tue	28-09-21
	80	A decision for the Electoral Commissioner to conduct the election cannot be rescinded after this day.	LGA s4.20(6) LGA s4.61(5)	Tue	28-09-21
	70 to 56	Between these days, the CEO of the local government is to give Statewide public notice of the closing date and time for elector enrolments.	LGA s4.39(2)	Fri to Fri	08-10-21 to 22-10-21
	56	Last day for the local government's CEO to advise the Electoral Commissioner of the need to prepare an updated residents roll.	LGA s4.40(1)	Fri	22-10-21
Close of Rolls	56	Advertising may begin for council nominations from 56 days, and no later than 45 days, before election day.	LGA s4.47(1)	Fri	22-10-21
	50	Close of Rolls – 5.00pm	LGA 4.39(1)	Thu	28-10-21
Nominations Open	45	Last day for advertisement to be placed calling for council nominations.	LGA s4.47(1)	Tue	02-11-21
	44	Nominations Open First day for candidates to lodge completed nomination papers, in the prescribed form, with the Returning Officer. Nominations are open for 8 days.	LGA s4.49(a)	Wed	03-11-21
Close of Nominations	38	If a candidate's nomination is withdrawn not later than 4.00pm on this day, the candidate's deposit is to be refunded.	LGA s4.50 Reg. 27(5)	Tue	09-11-21
	37	Close of Nominations – 4.00pm	LGA 4.49(a)	Wed	10-11-21
	36	Last day for the Electoral Commissioner to prepare an updated residents roll for the election. Last day for the local government's CEO to prepare an owners and occupiers roll.	LGA s4.40(2) LGA s4.41(1)	Thu	11-11-21
	36	Returning Officer to give Statewide public notice of the election as soon as practicable but no later than 19 days before election day.	LGA s4.64(1)	As soon as practicable	
	22	The preparation of any consolidated roll (combined roll of residents, owners and occupiers) under regulation 18(1) is to be completed on or before this day.	LGA s4.38(1) Reg. 18(1)(2)	Thu	25-11-21
	19	Last day for the Returning Officer to give Statewide public notice of the election.	LGA s4.64(1)	Sun	28-11-21
	4	Close of absent voting and close of postal vote applications for 'voting in person' elections – 4.00pm.	LGA s4.68(1)(c) Reg. 37(3)(4)	Mon	13-12-21
Election Day	1	Close of early voting for 'voting in person' elections – 4.00pm.	LGA s4.71(1)(e) Reg. 59(2)	Thu	16-12-21
	0	Election Day Close of poll – 6.00pm.	LGA s4.7 LGA s4.68(1)(e)	Fri	17-12-21
	2	Election results declared and published.	LGA s4.77	As soon as practicable	
	2 - 14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election. (See Online 'Form 20' at www.dlgs.wa.gov.au)	LGA s4.79(1)(2) Reg. 81	As soon as practicable	
	Within 28 days of result publication	An invalidity complaint can be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA s4.81(1)	As applicable	
	Within 2 months of result declaration	Newly elected members to make their declarations of office.	LGA s2.29(1)(2) LGA s2.32(c) LGA s2.34(1)(c)	As soon as practicable	
	Within 3 months of members making declarations	Newly elected members to lodge their Primary Returns with the local government's CEO.	LGA s5.75(1)	As soon as practicable	

* All Act sections refer to the Local Government Act 1995. All regulations refer to the Local Government (Elections) Regulations 1997.



ORDINARY COUNCIL MEETING

16 September 2021

ATTACHMENT

10.1.1 B

Extraordinary Election

Election Timetable February 2022



Elections Timetable Template

Local Government Elections 2021

Enter election date>> 25-02-22

Note: Please manually adjust dates in the 'Date' column which fall on a public holiday to the next business day.

	Days from Polling Day	Election Activities or Events	Relevant Act sections or Regulations	Day	Date
	80	Last day for local governments to gain agreement from the Electoral Commissioner to conduct the election (compulsory if intent is to hold a postal election).	LGA s4.20 (2)(3)(4) LGA s4.61 (2)(4)	Tue	07-12-21
	80	A decision for the Electoral Commissioner to conduct the election cannot be rescinded after this day.	LGA s4.20(6) LGA s4.61(5)	Tue	07-12-21
	70 to 56	Between these days, the CEO of the local government is to give Statewide public notice of the closing date and time for elector enrolments.	LGA s4.39(2)	Fri to Fri	17-12-21 to 31-12-21
	56	Last day for the local government's CEO to advise the Electoral Commissioner of the need to prepare an updated residents roll.	LGA s4.40(1)	Fri	31-12-21
Close of Rolls	56	Advertising may begin for council nominations from 56 days, and no later than 45 days, before election day.	LGA s4.47(1)	Fri	31-12-21
	50	Close of Rolls – 5.00pm	LGA 4.39(1)	Thu	06-01-22
Nominations Open	45	Last day for advertisement to be placed calling for council nominations.	LGA s4.47(1)	Tue	11-01-22
	44	Nominations Open First day for candidates to lodge completed nomination papers, in the prescribed form, with the Returning Officer. Nominations are open for 8 days.	LGA s4.49(a)	Wed	12-01-22
Close of Nominations	38	If a candidate's nomination is withdrawn not later than 4.00pm on this day, the candidate's deposit is to be refunded.	LGA s4.50 Reg. 27(5)	Tue	18-01-22
	37	Close of Nominations – 4.00pm	LGA 4.49(a)	Wed	19-01-22
	36	Last day for the Electoral Commissioner to prepare an updated residents roll for the election. Last day for the local government's CEO to prepare an owners and occupiers roll.	LGA s4.40(2) LGA s4.41(1)	Thu	20-01-22
	36	Returning Officer to give Statewide public notice of the election as soon as practicable but no later than 19 days before election day.	LGA s4.64(1)	As soon as practicable	
	22	The preparation of any consolidated roll (combined roll of residents, owners and occupiers) under regulation 18(1) is to be completed on or before this day.	LGA s4.38(1) Reg. 18(1)(2)	Thu	03-02-22
	19	Last day for the Returning Officer to give Statewide public notice of the election.	LGA s4.64(1)	Sun	06-02-22
	4	Close of absent voting and close of postal vote applications for 'voting in person' elections – 4.00pm.	LGA s4.68(1)(c) Reg. 37(3)(4)	Mon	21-02-22
Election Day	1	Close of early voting for 'voting in person' elections – 4.00pm.	LGA s4.71(1)(e) Reg. 59(2)	Thu	24-02-22
	0	Election Day Close of poll – 6.00pm.	LGA s4.7 LGA s4.68(1)(e)	Fri	25-02-22
	2	Election results declared and published.	LGA s4.77	As soon as practicable	
	2 - 14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election. (See Online 'Form 20' at www.dlqc.wa.gov.au)	LGA s4.79(1)(2) Reg. 81	As soon as practicable	
	Within 28 days of result publication	An invalidity complaint can be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA s4.81(1)	As applicable	
	Within 2 months of result declaration	Newly elected members to make their declarations of office.	LGA s2.29(1)(2) LGA s2.32(c) LGA s2.34(1)(c)	As soon as practicable	
	Within 3 months of members making declarations	Newly elected members to lodge their Primary Returns with the local government's CEO.	LGA s5.75(1)	As soon as practicable	

* All Act sections refer to the Local Government Act 1995. All regulations refer to the Local Government (Elections) Regulations 1997.