



New South Wales

Local Government (General) Amendment (Elections) Regulation 2018

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

GABRIELLE UPTON, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to make amendments to the *Local Government (General) Regulation 2005* with respect to local government elections.

This Regulation:

- (a) provides that the Weighted Inclusive Gregory proportional representation method is to be used if 2 or more councillors are to be elected at an election, and
- (b) specifies that all votes are to be counted for the purposes of transfers under that method (rather than a random sampling of votes), and
- (c) removes the cap of four digits for a decimal fraction when calculating transfer values under that method, and
- (d) removes a provision giving a candidate the ability require a recount of ballot-papers by payment of a specified deposit amount, and
- (e) prescribes the manner for the conduct of countback elections to fill certain casual vacancies, and
- (f) prescribes the manner that exclusive postal voting elections are to be conducted, and
- (g) makes amendments consequential on the enactment of the *Electoral Act 2017* and the *Electoral Funding Act 2018* (including amendments to make the electoral provisions of the *Local Government (General) Regulation 2005* consistent with the *Electoral Act 2017*), and
- (h) makes other amendments of a machinery nature.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power) of, and item 14 (Elections) of Schedule 6 to, that Act.

Local Government (General) Amendment (Elections) Regulation 2018

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Elections) Regulation 2018*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on the day on which it is published on the NSW legislation website.
- (2) Schedule 1.1 commences on 11 September 2020.

Schedule 1 Amendment of Local Government (General) Regulation 2005

1.1 Amendments relating to counting of votes under proportional system

[1] Schedule 5 Counting of votes under proportional system

Insert in alphabetical order in clause 2:

elected candidate means the following:

- (a) a candidate who has obtained a quota of votes,
- (b) a candidate who is elected under clause 11.

[2] Schedule 5, clause 2, definition of “surplus”

Omit the definition. Insert instead:

surplus, at any given time, means the number of votes which a candidate has obtained at that time in excess of the quota.

[3] Schedule 5, clause 3

Omit the clause. Insert instead:

3 Count of first preferences

The ballot-papers are to be examined and the number of first preferences obtained by each candidate and the aggregate number of first preferences are to be counted.

[4] Schedule 5, clauses 6–8

Omit the clauses. Insert instead:

6 Surplus on first count

- (1) If the number of first preferences obtained by any elected candidate exceeds the quota, the surplus is to be transferred to the continuing candidates next in the order of voters' preferences, in accordance with the following directions:
 - (a) the ballot-papers on which first preferences are recorded for the elected candidate are re-examined, and the number of second preferences, or (in accordance with clause 12 of this Schedule) third or next consecutive preferences, recorded on them for each continuing candidate and the number of exhausted ballot-papers is counted,
 - (b) the surplus is to be divided by the total number of first preferences recorded for such an elected candidate (excluding any exhausted ballot-papers). The *transfer value* is equal to the resulting fraction or (if the fraction exceeds 1) to 1,
 - (c) the number of second or other preferences, ascertained in paragraph (a) as being recorded for each continuing candidate, is multiplied by the transfer value,
 - (d) the resulting number (disregarding any fraction) for each continuing candidate is added to the number of votes obtained by the continuing candidate on the counting of first preferences and all those ballot-papers are to be transferred to the continuing candidate.
- (2) However, this clause is subject to clause 11 of this Schedule, and if at any time there is one remaining vacancy which can be filled under that clause, no further transfer under this clause can be made.

7 Surplus on transfer

- (1) If by a transfer of a surplus on the count of first preferences or of a surplus under this clause the number of votes obtained by a candidate equals or exceeds the quota, the candidate is elected.
- (2) In that case, despite the fact that the candidate has reached the quota and is elected, the transfer is to be completed, and all the votes to which the candidate is entitled from the transfer are to be transferred to the candidate.
- (3) If by a transfer the number of votes obtained by a candidate equals the quota, the whole of the ballot-papers on which those votes are recorded are set aside as finally dealt with, being the ballot-papers by which that candidate is elected.
- (4) If by a transfer the number of votes obtained by a candidate exceeds the quota, the surplus is transferred to the continuing candidates next in the order of the voters' respective preferences in the following manner:
 - (a) the number of surplus votes is to be divided by the number of votes received by the elected candidate (excluding the aggregate value of any exhausted votes). The *surplus fraction* is equal to the resulting fraction or (if the fraction exceeds 1) to 1,
 - (b) in relation to any particular ballot-papers for surplus votes of the elected candidate, the surplus fraction is to be multiplied by the transfer value at which those ballot-papers were transferred to the elected candidate, or by one if they expressed first preference votes for the elected candidate, and the product is to be the *continued transfer value* of those particular ballot papers,
 - (c) the total number of ballot-papers for surplus votes of the elected candidate that each:
 - (i) express the next available preference for a particular continuing candidate, and
 - (ii) have a particular continued transfer value,are to be multiplied by that continued transfer value and the number obtained (disregarding any fraction) is to be added to the number of votes of the continuing candidate and all those ballot papers are to be transferred to the continuing candidate.
- (5) However, this clause is subject to clause 11 of this Schedule, and if at any time there is one remaining vacancy which can be filled under that clause, no further transfer under this clause can be made.
- (6) For the purposes of excluding the aggregate value of any exhausted votes under subclause (4) (a), the exhausted votes are to be excluded at the value that the votes were transferred to the candidate.

8 Transfer of surpluses

- (1) If, on the counting of the first preferences or on any transfer, more than one candidate has a surplus, the largest of the surpluses is transferred, then the next largest, and so on.
- (2) However, if there is an untransferred surplus obtained at a previous count or transfer, that surplus is transferred before those caused by subsequent transfers.
- (3) If there are equal surpluses at the first count, the returning officer decides by lot which surplus is transferred first.

- (4) If there are equal surpluses at a later count or at a transfer, the surplus of the candidate who was the highest on the poll at the count or transfer at which the tied candidates last had an unequal number of votes is the first to be transferred. If those candidates have had an equal number of votes at all preceding counts or transfers, the returning officer decides by lot which candidate's surplus is the first to be transferred.

[5] Schedule 5, clause 9 (2)

Omit the subclause. Insert instead:

- (2) The votes of the excluded candidate are to be transferred to the continuing candidates as follows:
- (a) the total number of ballot-papers of the excluded candidate on which first preferences are recorded and which express a next available preference for a particular continuing candidate are to be transferred (each ballot-paper at a transfer value of one) to that continuing candidate and added to the number of votes of the continuing candidate,
 - (b) the total number (if any) of other votes obtained by the excluded candidate on transfers under this Schedule are to be transferred from the excluded candidate in the order of the transfers on which the excluded candidate obtained them (the votes obtained on the earliest transfer being transferred first) as follows:
 - (i) the total number of ballot-papers transferred to the excluded candidate from a particular candidate and expressing a next available preference for a particular continuing candidate are to be multiplied by the transfer value at which the votes were transferred to the excluded candidate,
 - (ii) the number so obtained (disregarding any fraction) is to be added to the number of votes of the continuing candidate,
 - (iii) all those ballot papers are to be transferred to the continuing candidate.

[6] Schedule 5, clause 13 (3)

Omit the subclause.

[7] Schedule 5, clause 15

Omit the clause. Insert instead:

15 Records and publication of results

- (1) At each step of the proceedings the returning officer is to keep a record of the following:
- (a) the number of votes counted for each candidate,
 - (b) the transfer of surpluses,
 - (c) votes lost through the disregarding of any fractions of votes during the process of transfer,
 - (d) the exclusion of candidates and the transfer of their votes,
 - (e) the votes which are found to be informal,
 - (f) the votes which at some stage become exhausted votes.
- (2) As soon as is reasonably practical after the declaration of the election, the election manager is to publish the results of the election (including a record of the voting, counting and transfers) on the election manager's website.

[8] Schedule 5, clause 16

Insert after clause 15:

16 Electronic counting of votes

If votes are counted using electronic counting equipment, the returning officer may determine that a reference in this Schedule to the physical arrangement or movement of ballot papers is not applicable if the equivalent process is performed electronically.

1.2 Amendments relating to postal vote elections

[1] Clause 275 Definitions

Insert in alphabetical order in clause 275 (1):

attendance election means an election conducted by means of attendance and postal voting.

Note. See section 310B of the Act.

election day means the day the poll for the election is to be held (in relation to an attendance election), or the last day of voting (in relation to a postal election), if a poll for the election is required.

last day of voting in a postal election means the day on which the postal election would be held under Part 4 of Chapter 10 of the Act if it were an attendance election.

postal election means an election conducted exclusively by means of postal voting.

Note. See section 310B of the Act.

[2] Clause 278 Closing date

Omit clause 278 (2) and (3). Insert instead:

- (2) The closing date in relation to an election or poll is the date of the fortieth day preceding the election day for the election or poll.
- (3) If an election or poll is delayed, the closing date in relation to it is:
 - (a) in the case of a delay occurring before the fortieth day preceding the original election day of the election or poll—the date of the fortieth day preceding the new election day of the election or poll, or
 - (b) in any other case—the date of the fortieth day preceding the original election day.

[3] Clause 280 Advertising of enrolments

Insert after clause 280 (2):

- (2A) If the election is a postal election, the notice is also to inform voters how they may apply for the redirection of their postal ballot envelope and the last day when a redirection request may be lodged.

[4] Clause 285

Omit the clause. Insert instead:

285 Notification of vacancy

When a civic office in an area becomes vacant, the general manager of the council of the area is to give notice of the vacancy within 7 days:

- (a) to the Departmental Chief Executive and the Chief Executive Officer of Local Government NSW if the vacancy is in the office of a mayor elected by councillors, or
- (b) to the Electoral Commissioner, the Departmental Chief Executive and the Chief Executive Officer of Local Government NSW in any other case.

[5] Clause 286 Nomination day

Insert “(in relation to an attendance election) or the last day of voting (in relation to a postal election)” after “the day of the election”.

[6] Clause 288 Notice of election and call for nomination proposals

Omit clause 288 (2) (d). Insert instead:

- (d) specify, if a poll for the election is required to be held, whether the election will be conducted by means of attendance and postal voting or conducted exclusively by means of postal voting, and
- (d1) specify the date when the poll will be held for the election (in relation to an attendance election) or the date for the last day of voting (in relation to a postal election) if more candidates are nominated than the number of councillors to be elected, and

[7] Part 11, Division 5, heading

Omit the heading to the Division. Insert instead:

Division 5 Polling places for attendance elections

[8] Clause 296A

Insert before clause 297:

296A Application of Division

This Division applies only to attendance elections.

[9] Clause 298 Pre-poll voting offices

Omit clause 298 (2).

[10] Clause 300 Notice of contested election

Omit clause 300 (2) and (3). Insert instead:

- (2) The notice to be published in a newspaper circulating in the area must state the following:
 - (a) that a poll will be taken in respect of the ward or area,
 - (b) whether the poll will be conducted by means of attendance and postal voting or conducted exclusively by means of postal voting,
 - (c) the date of the poll (in relation to an attendance election) or the date and time that completed postal votes must reach the returning officer (in relation to a postal election),
 - (d) that information relating to the following is available at the council’s office and on the election manager’s internet website:
 - (i) the names of persons who have been nominated as candidates for the election and, if any of those persons have been endorsed by a

- registered political party, the name of the registered political party,
- (ii) in relation to an attendance election:
 - (A) the location of the pre-poll voting office or offices and the hours and days that those pre-poll voting office or offices will be open for pre-poll voting, and
 - (B) the location of the polling places where the poll will be taken on election day,
 - (iii) in relation to a postal election:
 - (A) the week in which postal ballot envelopes are likely to be posted or delivered to voters, and
 - (B) specify the date and time that completed postal votes must reach the returning officer.
- (3) The notices to be displayed at the council's office and on the election manager's internet website must state the following:
- (a) that a poll will be taken in respect of the ward or area,
 - (b) whether the poll will be conducted by means of attendance and postal voting or conducted exclusively by means of postal voting,
 - (c) the date of the poll (in relation to an attendance election) or the date and time that completed postal votes must reach the returning officer (in relation to a postal election),
 - (d) the full names of the persons who have become candidates and the names under which those persons have been nominated as candidates,
 - (e) the names of the political parties (if any) that must be printed adjacent to the names of the candidates on the ballot-papers,
 - (f) whether the word "Independent" must be printed adjacent to the name of any candidate on the ballot-papers,
 - (g) in relation to an attendance election:
 - (i) the location of the pre-poll voting office or offices and the hours and days that those pre-poll voting office or offices will be open for pre-poll voting, and
 - (ii) the location of the polling places where the poll will be taken on election day,
 - (h) in relation to a postal election:
 - (i) the week in which postal ballot envelopes are likely to be posted or delivered to voters, and
 - (ii) specify the date and time that completed postal votes must reach the returning officer.

[11] Part 11, Division 6A

Insert before clause 309:

Division 6A Further preparation for attendance elections

308 Application of Division

This Division applies only to attendance elections.

[12] Part 11, Division 7, heading

Omit the heading. Insert instead:

Division 7 Special voting at attendance elections

Subdivision 1AA Application of Division

312A Application of Division

This Division applies only to attendance elections.

[13] Clause 317 Issue of postal ballot-paper

Omit clause 317 (1) (b) and (c). Insert instead:

- (b) deliver or send to the elector:
 - (i) a ballot-paper that is initialled on the front by an election official (by hand or by electronic or mechanical means), and
 - (ii) a form of declaration in Form 8 printed on an envelope on which the returning officer has filled in the full name of the elector, the address of the land to which the elector's voting entitlement relates, the date of the election and the names of the area and the ward (if any) and the number (if any) given to the elector's application or registration as referred to in this Subdivision, and
 - (iii) if the envelope on which the declaration is printed is not addressed to the returning officer—another envelope addressed to the returning officer, and
 - (iv) information as to how to access the candidate information sheets of the candidates in the election that have been published on the election manager's internet website under clause 290 (4).

[14] Clause 318 Postal voting procedure

Omit clause 318 (2). Insert instead:

- (2) The witness is to sign and date the declaration in the place provided.

[15] Clause 318 (3) (c)

Omit the paragraph. Insert instead:

- (c) place the ballot-paper in the envelope on which the Form 8 declaration is printed and close and seal the envelope,
- (d) if the envelope on which the Form 8 declaration is printed is not addressed to the returning officer—place that envelope in the envelope addressed to the returning officer and close and seal the envelope.

[16] Clause 320 Receipt of postal ballot-papers

Insert after clause 320 (2):

Note. Clause 347 provides for the preliminary scrutiny of postal voting envelopes.

[17] Clause 326 Pre-poll voting offices and times

Omit clause 326 (1) and (2). Insert instead:

- (1) The election manager is to determine the days and hours of operation of the pre-poll voting offices to be used to enable electors to vote in person before election day in accordance with this Subdivision, being days and hours between the twelfth and first days before election day.

[18] Part 11, Division 8, heading

Omit the heading. Insert instead:

Division 8 Ordinary voting at attendance elections

334 Application of Division

This Division applies only to attendance elections.

[19] Part 11, Division 8A

Insert after clause 342:

Division 8A Voting at postal elections

344 Application of Division

This Division applies only to postal elections.

344A Scrutineers

- (1) Each candidate may, by instrument in writing signed by the candidate, appoint scrutineers to be present at the following:
 - (a) the posting of postal ballot envelopes,
 - (b) the opening and emptying of a Post Office Box,
 - (c) the opening and emptying of a ballot-box,
 - (d) the receipt and processing of declaration envelopes,
 - (e) the scrutiny of ballot-papers and the counting of votes.
- (2) In the case of candidates belonging to a group, such an appointment may be made by any or all of them.
- (3) A scrutineer, on presentation to an election official of his or her instrument of appointment as scrutineer, is entitled to be present in accordance with his or her appointment under this clause.
- (4) A scrutineer must, on demand by an election official, produce his or her instrument of appointment as scrutineer for inspection.
- (5) A candidate in an election cannot be a scrutineer in relation to the same election or in relation to simultaneous elections in the same area.
- (6) Nothing in this clause entitles a candidate or group to be represented by more than one scrutineer at any one place at which an activity referred to in subclause (1) is carried out.
- (7) The separate tables or stations within any building, room or other location at which ballot-papers are scrutinised or votes are counted are taken to be separate places for the purposes of subclause (6).

344B Issue of postal ballot-paper

- (1) At least 15 days before the last day of voting, the returning officer (in relation to an election administered by a general manager) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner) must ensure that a postal ballot-paper is posted or delivered to each person whose name appears on the authorised copy of roll of electors (within the meaning of section 301 of the Act) in accordance with this clause.

- (2) The returning officer or Electoral Commissioner, as the case requires, is to:
 - (a) make a record that a ballot-paper is being issued to the elector, and
 - (b) deliver or send to the elector:
 - (i) a ballot-paper that is initialled on the front by an election official (by hand or by electronic or mechanical means), and
 - (ii) a form of declaration in Form 8 printed on an envelope on which the returning officer has filled in the full name of the elector, the address of the land to which the elector's voting entitlement relates, the date of the election and the names of the area and the ward (if any) and the number (if any) given to the elector's application or registration as referred to in this Division, and
 - (iii) if the envelope on which the declaration is printed is not addressed to the returning officer—another envelope addressed to the returning officer, and
 - (iv) information as to how to access the candidate information sheets of the candidates in the election that have been published on the election manager's internet website under clause 290 (4).
- (3) Ballot-papers and envelopes delivered or sent under this clause to a non-resident postal voter are to be delivered or sent to the residential address of that elector.

344C Postal voting procedure

- (1) To make a postal vote, an elector is to:
 - (a) show to a witness the ballot-paper and Form 8 declaration delivered or sent to the elector under clause 344B, and
 - (b) in the presence of the witness, and if the facts on the declaration are correct, sign the declaration in the space provided.
- (2) The witness is to sign and date the declaration in the place provided.
- (3) The elector is then to do the following in the presence of the witness, but without showing the witness how the elector has voted:
 - (a) vote as directed on the ballot-paper,
 - (b) fold the ballot-paper so that the vote cannot be seen,
 - (c) place the ballot-paper in the envelope on which the Form 8 declaration is printed and close and seal the envelope,
 - (d) if the envelope on which the Form 8 declaration is printed is not addressed to the returning officer—place that envelope in the envelope addressed to the returning officer and close and seal the envelope.
- (4) The elector is then to deliver or send the envelope addressed to the returning officer, or have it delivered or sent, so as to reach the returning officer before 6 pm on the first business day following election day.

344D Closing time for postal vote

A postal vote that does not reach the returning officer before 6 pm on the first business day following election day is not valid and must not be counted.

344E Receipt of postal ballot-papers

- (1) If the returning officer receives an envelope containing or purporting to contain a postal ballot-paper before 6 pm on the first business day following

election day, the officer is to make an appropriate record of the receipt of the envelope.

- (2) The returning officer is to place the envelope unopened in a ballot-box.

Note. Clause 347 provides for the preliminary scrutiny of postal voting envelopes.

344F Request to redirect postal ballot-paper and envelope

- (1) An elector may request in writing to the returning officer or Electoral Commissioner, as the case requires, to have his or her postal ballot-paper redirected to another address specified in the request.
- (2) A request to redirect a postal ballot-paper under this clause must be lodged no later than the closing date for the election.
- (3) If an elector makes a request under this clause, the returning officer or Electoral Commissioner must ensure that a postal ballot-paper is sent or delivered to that elector at the address specified in the request.

344G Request for replacement voting materials

- (1) This clause applies if, on or before 6 pm on the Friday 8 days before the last day of voting, an elector:
- (a) makes a claim to an election official that the elector has not received a postal ballot-paper at the address to which the postal ballot-paper and envelope were sent, or
 - (b) makes a claim to an election official that the elector is not at the address to which the postal ballot-paper was sent and has not received a postal ballot-paper and envelope, or
 - (c) makes a claim to an election official that the elector has lost or destroyed the postal ballot-paper or envelope or both, or
 - (d) satisfies an election official that he or she has spoilt the postal ballot-paper or the declaration on the envelope or both and returns the spoilt ballot-paper or spoilt declaration envelope or both.
- (2) If this clause applies, the election official must issue the voter with whichever of the following is appropriate:
- (a) a replacement ballot-paper,
 - (b) a replacement envelope.
- (3) A declaration envelope issued under this Regulation must be identified as a replacement declaration envelope.
- (4) The returning officer must ensure that a record is kept of all ballot-papers and envelopes issued under this clause.
- (5) If a spoilt ballot-paper or spoilt declaration on an envelope has been returned under this clause, the election official must:
- (a) cancel the spoilt ballot-paper or spoilt envelope by marking it with the words “spoilt by elector”, and
 - (b) initial the spoilt ballot-paper, and
 - (c) preserve the spoilt ballot-paper or envelope until the close of voting.

[20] Clause 347

Insert after clause 346:

347 Preliminary scrutiny of postal voting envelopes

- (1) The returning officer:
 - (a) may, on any day not more than 5 days before election day, at a time and place approved by the election manager, and in the presence of such scrutineers as choose to be present, produce such unopened envelopes containing postal votes as have been received by the returning officer, and
 - (b) must, at the scrutiny, produce unopened all of the following remaining envelopes containing postal votes:
 - (i) envelopes received by the returning officer up to 6 pm on first business day following the election day,
 - (ii) in relation to an attendance election—envelopes received by any election official before 6 pm on election day under clause 318 (5).
- (2) The returning officer is then to do the following:
 - (a) if the envelope on which the Form 8 declaration is printed (the **Form 8 envelope**) is sealed inside another envelope addressed to the returning officer, take out the Form 8 envelope,
 - (b) if satisfied that:
 - (a) the Form 8 declaration has been properly signed and witnessed, and
 - (b) the elector is entitled to vote in the ward or area to which the Form 8 declaration relates,accept the envelope for further scrutiny, but if not satisfied, disallow the ballot-paper without opening the envelope,
 - (c) if the envelope has been accepted for further scrutiny:
 - (i) open the envelope without destroying it, and
 - (ii) withdraw the postal ballot-paper, and
 - (iii) without inspecting the ballot-paper or allowing any other person to do so, place the ballot-paper in a ballot-box for further scrutiny.
- (3) For the avoidance of doubt, a ballot-box into which any ballot-paper has been placed under this clause must not be opened before the close of voting.

[21] Clause 348 Initial scrutiny of ballot-papers and counting of votes at polling places

Insert before clause 348 (1):

- (1A) This clause applies only to attendance elections.

[22] Clause 349 Polling place managers to send ballot-papers to returning officer

Insert before clause 349 (1):

- (1A) This clause applies only to attendance elections.

[23] Clause 350 Checking and counting of ballot-papers in sealed envelopes

Omit clause 350 (1)–(3). Insert instead:

(1) **Postal votes**

The returning officer is, as soon as practicable after 6 pm on election day, to open the ballot-boxes containing postal ballot-papers accepted for further scrutiny under clause 347, take out the ballot-papers, scrutinise them and reject the informal ones.

[24] Clause 351 Finalising the count—attendance elections

Insert before clause 351 (1):

(1A) This clause applies only to attendance elections.

[25] Clause 351 (2)

Omit “central counting office administered by the election manager”.

Insert instead “ballot counting place appointed under clause 345A”.

[26] Clause 351A

Insert after clause 351:

351A Finalising the count—postal elections

- (1) This clause applies only to postal elections.
- (2) The returning officer, as soon as practicable after 6 pm on election day, is to open the ballot-boxes containing postal ballot-papers accepted for further scrutiny under clause 347, take out the ballot-papers, scrutinise them and reject the informal ones.
- (3) The returning officer must then do the following or have the following done:
 - (a) ascertain the result of the count in accordance with Schedule 4 or 5, depending on the system of election,
Note. Section 285 of the Act specifies the circumstances in which the optional preferential (Schedule 4) and the proportional (Schedule 5) systems of election are to be used.
 - (b) inform the persons present of the result of the count,
 - (c) immediately notify the election manager of the result of the count,
 - (d) inform the candidates (in person, in writing, by facsimile, by telephone, by email, by text message or in any other way) as soon as practicable after the result is ascertained:
 - (i) of the result of the count, and
 - (ii) when the returning officer’s declaration under clause 356 will be available for inspection at the office of the relevant council, and
 - (iii) that the information contained in a notice under clause 356 (5) is to be published on the election manager’s internet website for at least one month.
- (4) For the purpose of ascertaining the result of the count, the returning officer may cause some or all of the ballot-papers to be sent to a ballot counting place appointed under clause 345A to be counted in accordance with arrangements approved by the election manager.

[27] Clause 369 Misconduct by scrutineers

Insert after clause 369 (1):

- (1A) An election official may direct a scrutineer to leave a place if the election official believes on reasonable grounds that:
 - (a) the scrutineer's presence is contrary to this Part, or
 - (b) the person is contravening or has contravened any provision of this Part or is committing or has committed any other offence at the place.

[28] Clauses 383 and 384

Omit clauses 383–385. Insert instead:

383 Adjournment of polling at attendance election

(1) **Adjournment**

When the proceedings for taking the poll at an election are interrupted or obstructed at a polling place by a riot or open violence, the returning officer is to adjourn the taking of the poll there to the following day. If necessary the returning officer is to adjourn the poll from day to day until the interruption or obstruction has ceased.

- (2) If the polling place manager fails to open the polling at a polling place for 30 minutes after the time when the polling should have started or if he or she becomes incapable of performing his or her duties after polling has opened, and remains so incapable for a period of 30 minutes or more, the other election officials present are to act for the polling place manager and may exercise his or her functions.

- (3) If for any reason other than riot or open violence the polling has not been opened at a polling place on the election day or if the polling has been opened but from the absence of necessary forms, documents or materials the poll cannot be proceeded with, the returning officer is to adjourn the polling there to a day not later than 21 days following the election day. The election manager is to cause public notice to be given immediately of the new day.

(4) **Notice of adjournment to election manager**

A returning officer who adjourns the taking of a poll must give immediate notice of the adjournment to the election manager.

- (5) In the case of an adjournment at any polling place, the initial scrutiny and count under clause 348 at the polling place and the completion of the count under clause 351 in the ward or area where the poll has been adjourned are not to proceed until the adjourned poll has been finally closed.

(6) **Votes at adjourned poll**

If the poll has been adjourned at a polling place within a ward, only those electors who are entitled to be enrolled for that ward are entitled to vote at the adjourned poll.

384 Postponement of last day of voting of postal election

- (1) If special circumstances exist, the returning officer may postpone the last day of voting of a postal election by fixing a different later day.
- (2) If the returning officer postpones the last day of voting, the returning officer must:
 - (a) immediately give public notice of the new last day of voting, and

- (b) if postal ballot envelopes have not yet been issued, indicate in the notice the week in which they are likely to be issued.
- (3) For the purposes of subclause (1), special circumstances include:
 - (a) an unforeseen delay in the printing of election materials or in the processing of candidate information sheets, or
 - (b) a postal strike or any disruption to the postal service, which would in the opinion of the returning officer necessitate postponing the last day of voting.

[29] Clause 386 Postponed and adjourned elections

Omit “or adjourned under clause 383”.

Insert instead “, adjourned under clause 383 or a last day of voting is postponed under clause 384”.

[30] Clause 387 Spoilt ballot-papers at attendance elections

Insert at the end of the clause:

- (2) This clause does not apply in relation to a postal election.

1.3 Amendments relating to countback elections

[1] Clause 391 Security of election materials

Omit “6 months” from clause 391 (4) (a). Insert instead “18 months”.

[2] Clause 391 (4) (d)

Insert after clause 391 (4) (c):

- (d) if the papers and materials in the parcels are required for the purpose of a countback election—the conclusion of that countback election.

[3] Clause 393C

Insert after clause 393B:

393C Countback elections

- (1) A countback election referred to in section 291A of the Act is to be carried out in accordance with Schedule 9A.
- (2) For the purpose of section 291A of the Act the prescribed day is 12 September 2020.

[4] Schedule 9A

Insert after Schedule 9:

Schedule 9A Countback elections

(Clause 393C (1))

Part 1 Preliminary

1 Definitions

In this Schedule:

ballot-paper includes a vote record.

eligible candidate, in a countback election, means a person who has been declared by the returning officer under clause 4 (a) to have duly applied to be a candidate in the countback election.

non-participating candidate means a person who was a candidate at the original election and is neither an eligible candidate nor a previously elected councillor.

original election, in relation to a vacancy, means the ordinary election of councillors in respect of which the vacancy has occurred at which the vacating councillor was elected or in a case where the vacating councillor was elected under this Schedule, the councillor who was the predecessor (whether immediate, intermediate, or original) of that councillor, was elected.

previously elected councillor means a person who:

- (a) was elected as a councillor at the original election, or
- (b) was declared elected as a councillor under this Schedule after the original election.

returning officer means the person conducting the countback election in accordance with section 291A (4) of the Act.

vacating councillor means the person whose departure created the casual vacancy (even if that person never became a councillor).

Note. If a candidate who is nominated for election to a civic office in respect of a ward or area dies after the day when the poll at a contested election closes, but before the declaration of the election, the candidate is a "vacating councillor" even if that person never became a councillor by operation of section 233 (2) (a) of the Act.

2 Notice of casual vacancy

Note. Clause 285 of this Regulation requires the general manager of a council of the area to give notice of a casual vacancy to the Electoral Commissioner within 7 days of its occurrence.

- (1) After a casual vacancy occurs, the general manager of the council concerned (in relation to an election administered by a general manager) or the Electoral Commissioner (in relation to an election administered by the Electoral Commissioner) must:
 - (a) give notice of the vacancy to the returning officer who conducted the election at which the person whose departure created the casual vacancy was elected or, if it is not possible for the returning officer to conduct the countback election, the substitute returning officer at that earlier election, or
 - (b) if not possible for that returning officer or that substitute returning officer to conduct the countback election, appoint a returning officer in accordance with the Act.
- (2) The notice must be given or appointment made:
 - (a) in relation to an election administered by a general manager—within 14 days of the casual vacancy occurring, or
 - (b) in relation to an election administered by the Electoral Commissioner—within 14 days of the Electoral Commissioner being notified of the casual vacancy under clause 285 of this Regulation.
- (3) Within 14 days of the being given notice or being appointed, the returning officer who is to conduct the countback election must:
 - (a) arrange for the publication of a notice of the casual vacancy as follows:
 - (i) in relation to an election administered by a general manager—on the website of the relevant council,

- (ii) in relation to an election administered by the Electoral Commissioner—on the websites of the Electoral Commission and the relevant council, and
 - (b) give notice in accordance with this clause to each person (at the person's last known address or by email to an email address specified by the person for the giving of notice of this kind) who, in the opinion of the returning officer, may be entitled to make an application under this Schedule in relation to the vacancy.
- (4) The notice under subclause (3) must:
 - (a) declare that a casual vacancy in the office of a specified councillor exists that is to be filled by a countback election, and
 - (b) advise that a person may apply to be a candidate in accordance with this Schedule, and
 - (c) specify the date and time that applications close, and
 - (d) specify the date, time and place for the conduct of the countback election, and
 - (e) advise that an eligible candidate is entitled to appoint scrutineers for the countback election, and
 - (f) give the contact details of the returning officer.
- (5) The date for the conduct of the countback election must be the date which in the opinion of the returning officer is the earliest practicable date to conduct the countback election, but is:
 - (a) at least 14 days after the date of the publication of the notice of the relevant council's website, and
 - (b) not more than 49 days after the date of the casual vacancy occurring.

3 Candidates for casual vacancy

- (1) A person may apply to be a candidate in the countback election if the person:
 - (a) was a candidate at the election at which the vacating councillor was elected, and
 - (b) did not withdraw the person's nomination from, and was not elected at, that election, and
 - (c) is still eligible to be elected as a councillor.
- (2) An application under this clause is to be made in the manner and form approved by the election manager and must contain:
 - (a) a statement by the applicant that he or she consents to be a councillor if elected, and
 - (b) a declaration that the applicant is still eligible to become a councillor.
- (3) An application must be lodged with the returning officer before noon on the 10th day after the day on which public notice of the vacancy was given under this Schedule (the *close of applications*).
- (4) An applicant may withdraw his or her application by giving the returning officer written notice of withdrawal before applications close.
- (5) An application or a withdrawal of an application under this clause may be made by electronic means approved by the returning officer.

4 Publication of candidates' details

If one or more persons have applied to be a candidate in accordance with this Schedule, the returning officer must, as soon as practicable after the close of applications:

- (a) publicly produce all the applications and declare each person who has duly applied to be a candidate (the *eligible candidates*), and
- (b) arrange for a notice containing particulars relating to each candidate to be published on the internet website of the relevant council.

5 Determination of candidate to fill casual vacancy

- (1) If there is only one eligible candidate in relation to a casual vacancy, the returning officer must declare the candidate elected.
- (2) If there are no candidates in relation to a casual vacancy:
 - (a) the returning officer is to declare that there are no candidates and inform the general manager of the relevant council accordingly, and
 - (b) the countback election fails.
Note. Section 291A (5) (b) of the Act provides that if a countback election fails a by-election must be held to fill the casual vacancy.
- (3) If there is more than one eligible candidate in relation to a casual vacancy, a countback election must be conducted in accordance with Part 2.

6 Filling of multiple casual vacancies

- (1) If there is more than one casual vacancy to be filled at any time, the casual vacancy that occurred first is to be filled first.
- (2) If, in the opinion of the returning officer, it is impossible to determine which vacancy occurred first, the vacating councillor who was elected first (either at the same election or in point of time) is deemed to have left office before the other vacating councillor or councillors.
- (3) If it is still not possible to determine which vacancy occurred first despite subclause (2), the returning officer must determine by lot which casual vacancy is to be filled first.
- (4) For the purposes of determining by lot which casual vacancy occurred first, the names of the vacating councillors are to be written on similar slips of paper by the returning officer, the slips are to be folded by the returning officer so as to prevent the names being seen, the slips are to be mixed, one of the slips is to be drawn at random by the returning officer and the casual vacancy caused by the vacating councillor whose name is on the drawn slip is taken to have occurred first.
- (5) The returning officer may comply with clause 5 in respect of a casual vacancy even while the returning officer or another returning officer is complying with that clause in respect of another casual vacancy.

Part 2 Countback procedures

7 Casual vacancy to be filled by recount

- (1) The countback election is to be conducted by a recount of the votes on the ballot-papers used in the counting of votes at the original election and the result is to be ascertained in accordance with Schedule 5.

- (2) On the recount under subclause (1) a preference indicated on a ballot-paper for a previously elected councillor whose seat has become vacant is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.
- (3) If on the recount under subclause (1) a non-participating candidate is elected that election has no effect and the returning officer is to terminate that recount and repeat the procedure of recounting the votes on the ballot-papers until a consenting candidate is elected.
- (4) On a recount under subclause (3) a preference indicated on a ballot-paper for:
 - (a) a previously elected councillor whose seat has become vacant, or
 - (b) a non-participating candidate who has been elected on the recount under subclause (1) or on a previous recount under subclause (3),is to be disregarded and the ballot-paper is to be treated as if the numeral indicating any subsequent preference had been altered accordingly.
- (5) A recount under this Schedule does not affect the election of a previously elected councillor and where a previously elected councillor is elected or excluded during a recount that election or exclusion has effect for the purposes of the continuation of the recount and for those purposes only.
- (6) If no recount under subclause (1) or (3) results in the election of an eligible candidate:
 - (a) the returning officer is to declare that the countback election has failed, and
 - (b) inform the general manager of the relevant council accordingly.

Note. Section 291A (5) (b) of the Act provides that if a countback election fails a by-election must be held to fill the casual vacancy.

8 Declaration of result

- (1) As soon as possible after the conclusion of the countback election, the returning officer must:
 - (a) inform the persons present of the result, and
 - (b) immediately notify the election manager of the result, and
 - (c) inform the participating eligible candidates (in person, in writing, by facsimile, by telephone, by email, by text message or in any other way) as soon as practicable after the result is ascertained:
 - (i) of the result of the countback, and
 - (ii) when the returning officer's declaration under this clause will be available for inspection at the office of the relevant council, and
 - (iii) that the information contained in a notice under subclause (5) is to be published on the election manager's internet website for at least one month.

Note. Clause 353 (Recount) does not apply to a countback election.
- (2) The election manager is to approve of the returning officer's declaring of the countback election in writing as soon as practicable after the notification of the result.
- (3) The declaration is to be signed by the returning officer and is to state the number of votes recorded for each candidate and the names of the candidate declared elected.

- (4) After the election is declared, the election manager must:
 - (a) display the written declaration in a conspicuous position at the office of the relevant council, and
 - (b) deliver or send a copy of the written declaration to the Departmental Chief Executive, the Chief Executive Officer of Local Government NSW and the relevant general manager (in relation to an election administered by the Electoral Commissioner) or the Electoral Commissioner (in relation to an election administered by a general manager).
- (5) The election manager must cause the information in the declaration to be published on the election manager's internet website for at least one month.

9 Replacement of a councillor elected at a countback

- (1) In this clause:

first vacating councillor means a vacating councillor who was elected at an ordinary election of councillors.

later vacating councillor means a vacating councillor who was elected to the office held by the first vacating councillor as a result of a countback of votes under this Schedule (even if that vacating councillor is not the immediate successor of the first vacating councillor).
- (2) If a casual vacancy is caused by the departure of a later vacating councillor, a reference in this Part (other than in subclause (1)) to a vacating councillor is to be read as a reference to the first vacating councillor.

10 Application of other provisions

- (1) The following provisions apply to a countback election with all necessary modifications:
 - (a) clause 337 (Scrutineers),
 - (b) clause 365 (Obstruction of election officials),
 - (c) clause 368 (Persons present in polling place),
 - (d) clause 369 (Misconduct by scrutineers),
 - (e) clause 370 (Misconduct at polling place or pre-poll voting office).

Note. Section 329 (Can the holder of a civic office be dismissed?) of the Act applies to a person holding civic office who has been elected at a countback election.
- (2) For the avoidance of doubt, clauses 353 (Recount), 354 (Who pays for the recount?) and 355 (Result of recount) do not apply to a countback election.

Part 3 Miscellaneous

11 Costs

Expenses incurred by the returning officer, substitute returning officer and election officials in connection with a countback election are to be met by the council.

1.4 Miscellaneous amendments

[1] Clause 184 Gifts

Omit “a political contribution disclosed, or required to be disclosed, under Part 6 of the *Election Funding and Disclosures Act 1981*” from clause 184 (2) (b).

Insert instead “a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*”.

[2] Clause 185 Contributions to travel

Omit “a political contribution disclosed, or required to be disclosed, under Part 6 of the *Election Funding Act 1981*” from clause 185 (2) (e).

Insert instead “a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*”.

[3] Clause 275 Definitions

Omit the definition of *Electoral Commission* from clause 275 (1). Insert instead:

Electoral Commission means the New South Wales Electoral Commission constituted under the *Electoral Act 2017*.

[4] Clause 275 (1)

Insert in alphabetical order:

electoral paper includes any written claim or application, any approved form and any prescribed form that relates to an election under the Act.

[5] Clause 276A and Schedule 11, Forms 2 and 3

Omit “*Parliamentary Electorates and Elections Act 1912*” wherever occurring.

Insert instead “*Electoral Act 2017*”.

[6] Clause 284B Use of enrolment information—application of section 51 of Electoral Act 2017

Omit clause 284B (1) and the note to that subclause. Insert instead:

- (1) The provisions of section 51 (1) and (2) (other than section 51 (2) (c)) of the *Electoral Act 2017* are adopted in connection with enrolment information provided under clause 284A, with modifications so that those provisions as modified are as set out in subclauses (2) and (3), including the penalty set out at the end of subclause (2).

Note. Section 748 (3) and (4) of the Act provide for the creation of offences in connection with elections and polls by adopting, with such modifications as are necessary, any of the provisions of the *Electoral Act 2017*, and for the penalty for such an offence not to exceed the penalty for the corresponding offence in that Act.

[7] Clause 284C Prohibition of disclosure or commercial use of enrolment information—application of section 52 of Electoral Act 2017

Omit clause 284C (1) and the note to that subclause. Insert instead:

- (1) The provisions of section 52 (other than section 52 (4)) of the *Electoral Act 2017* are adopted in connection with enrolment information provided under clause 284A, with modifications so that those provisions as modified are as set out in subclauses (2)–(5), including the penalty set out at the end of this clause.

Note. Section 748 (3) and (4) of the Act provide for the creation of offences in connection with elections and polls by adopting, with such modifications as are

necessary, any of the provisions of the *Electoral Act 2017*, and for the penalty for such an offence not to exceed the penalty for the corresponding offence in that Act.

[8] Clause 289 Nomination proposals

Omit clause 289 (5). Insert instead:

- (5) A nomination paper is to be made by lodging it with the returning officer by 12 noon on the nomination day.
- (5AA) A nomination paper may be lodged:
 - (a) by personal delivery, or
 - (b) by post, or
 - (c) by transmission by facsimile or email, or
 - (d) through a website in a manner approved by the election manager.
- (5AB) The returning officer may give a receipt on the lodgment of a nomination paper and must give a receipt if asked to do so.

[9] Clause 289 (8)

Omit the subclause. Insert instead:

- (8) A deposit for a nomination proposal is to be paid, by the person proposed for nomination or some person on his or her behalf, by 12 noon on the nomination day.
- (9) A deposit for a nomination proposal may be paid:
 - (a) in cash, or
 - (b) by money order or bank cheque, or
 - (c) by any means of electronic funds transfer authorised by the election manager.

[10] Clause 290 Candidate information sheets

Omit “candidate’s place of living (as shown on a roll kept under the *Parliamentary Electorates and Elections Act 1912*)” from clause 290 (1) (b).

Insert instead “candidate’s enrolled address with the meaning of the *Electoral Act 2017*”.

[11] Clause 290 (1) (e)

Omit the paragraph. Insert instead:

- (e) whether the proposed candidate is a property developer or a close associate of a corporation that, or an individual who, is a property developer.

[12] Clause 290 (5)

Omit the subclause. Insert instead:

- (5) In this clause:
 - close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
 - property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

[13] Clause 297 Polling places

Insert after clause 297 (1):

- (1A) A single polling place may be appointed for 2 or more areas or 2 or more wards (or both).

[14] Clause 315 Registration of registered early voters (postal)

Omit clause 315 (1). Insert instead:

- (1) An elector who is registered as a registered early voter (postal) within the meaning of the *Electoral Act 2017* is taken to be registered as registered early voter (postal) for the purposes of the *Local Government Act 1993* without further application under the latter Act.

[15] Clause 315 (2)

Omit “a general postal voter under the *Parliamentary Electorates and Elections Act 1912*”.
Insert instead “a registered early voter (postal) under the *Electoral Act 2017*”.

[16] Clause 315 (3)

Omit “a general postal voter”. Insert instead “a registered early voter (postal)”.

[17] Clause 316 Electors entitled to postal vote

Omit “a general postal voter” from clause 316 (1).
Insert instead “a registered early voter (postal)”.

[18] Clause 316 (2)

Omit “general postal voters registered under the *Parliamentary Electorates and Elections Act 1912*”.
Insert instead “registered early voters (postal) registered under the *Electoral Act 2017*”.

[19] Clause 321 Pre-poll voting: qualifications

Insert after clause 321 (c2):

- (c3) is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling place to vote, or
(c4) is, by reason of his or her being kept in a correctional centre (within the meaning of the *Crimes (Administration of Sentences) Act 1999*), precluded from attending at any polling place to vote, or

[20] Clause 327

Omit the clause. Insert instead:

327 Declared institutions

- (1) The election manager may, not later than on the nomination day, declare a hospital, nursing home, retirement village or similar facility in an area to be a declared institution for the purpose of enabling permanent or temporary residents of the facility who are electors of the area to vote in person before election day.
(2) A declared institution is, for the purposes of this Part, taken to be a pre-poll voting office while voting is occurring at the facility.

[21] Clause 332

Omit the clause. Insert instead:

332 Mobile polling places in hospital, nursing home, retirement village or similar facilities

- (1) Mobile polling may take place for the purposes of the Act in any hospital, nursing home, retirement village or similar facility in accordance with Subdivision 3 of Division 6 of Part 7 of the *Electoral Act 2017*.
- (2) Subdivision 3 of Division 6 of Part 7 of the *Electoral Act 2017* applies to voting at a mobile polling booth under the Act in any hospital, nursing home, retirement village or similar facility in the same way as it applies to voting at a mobile voting centre under the *Electoral Act 2017*.
- (3) No offence under the *Electoral Act 2017* (as applied by this clause) applies under this Regulation.

[22] Clause 345A

Insert after clause 345:

345A Appointment of ballot counting place

- (1) The election manager is to:
 - (a) appoint for each area one or more places for the counting of ballot-papers for the election (***ballot counting places***), and
 - (b) publish the appointment of such ballot counting places on the election manager's website at a time determined by the election manager.
- (2) A ballot counting place for an area may be within or outside the area concerned (including outside New South Wales and outside Australia).
- (3) A single ballot counting place may be appointed for 2 or more areas.
- (4) The election manager may abolish any ballot counting place appointed under this clause. The election manager is to cause notice of any such abolition of a ballot counting place to be published on the election manager's website at a time determined by the election manager.

[23] Clause 353 Recount

Omit clause 353 (3) (a) and (4).

[24] Clause 354 Who pays for the recount?

Omit clause 354 (2) and (3).

[25] Clause 356KA

Insert after clause 356K:

356KA Interference with posters

The owner or occupier of premises that are being used as a pre-poll voting office must not, without reasonable excuse, interfere with or remove or cause to be removed any poster that is exhibited or posted at those premises in compliance with the provisions of this Division.

Maximum penalty: 10 penalty units.

[26] Clause 356NA

Insert after clause 356N:

356NA Interference with posters

The owner or occupier of premises that are being used as a polling place must not interfere with or remove or cause to be removed any poster that is exhibited or posted at those premises in compliance with the provisions of this Division.
Maximum penalty: 10 penalty units.

[27] Clause 356SA

Insert before clause 356T:

356SA Maintenance of order at and near polling places

- (1) A police officer may remove a person from a polling place or the immediate vicinity of a polling place if the police officer has reasonable grounds to believe the person is committing, has committed or is attempting to commit an offence under the Act or this Regulation at that polling place or in the immediate vicinity of that polling place.
- (2) A police officer may remove or cause to be removed from a polling place and from the immediate vicinity of the polling place any person:
 - (a) who, having been given a lawful direction by or under the authority of the Electoral Commissioner or polling place manager, fails to comply with that direction, or
 - (b) who is obstructing the access or approaches to the polling place, or
 - (c) who is obstructing or unnecessarily delaying the proceedings at the polling place, or
 - (d) who is behaving in a disorderly manner or is causing a disturbance.
- (3) The Electoral Commissioner and every polling place manager may give such directions as are necessary to maintain order at any election or any place where voting is occurring under the Act.
- (4) A person must not, without lawful authority, contravene any such direction.
Maximum penalty (subclause (4)): 10 penalty units.

[28] Clause 375 Electoral bribery, treating and selling of votes

Omit “section 147 of the *Parliamentary Electorates and Elections Act 1912*”.

Insert instead “section 209 of the *Electoral Act 2017*”.

[29] Clause 376 Treating

Omit the clause.

[30] Clause 377 Interference with right to vote

Omit “section 151 of the *Parliamentary Electorates and Elections Act 1912*”.

Insert instead “section 210 of the *Electoral Act 2017*”.

[31] Clause 389 Signatures and marks on electoral papers and ballot-papers

Insert after clause 389 (2):

- (3) If a person is unable to mark a ballot-paper or sign and complete an electoral paper without assistance or is under a religious obligation not to mark a ballot-

paper or sign and complete an electoral paper with his or her own hand, the person may appoint another person to mark the ballot-paper or sign and complete the electoral paper on that person's behalf.

[32] Clause 391 Security of election materials

Omit clause 391 (6). Insert instead:

- (6) The returning officer is to detach the statistical information sheet from each nomination paper before the papers are parcelled under this clause. The returning officer is then to forward the sheets to the Departmental Chief Executive.

[33] Clause 393 Election information

Omit clause 393 (2) and the note to that subclause. Insert instead:

- (2) The provisions of section 222 (3) and (4) of the *Electoral Act 2017* are adopted in connection with election information provided under subclause (1) as set out in subclauses (3) and (4), including the penalty set out at the end of subclause (4).

Note. Section 748 (3) and (4) of the Act provide for the creation of offences in connection with elections and polls by adopting, with such modifications as are necessary, any of the provisions of the *Electoral Act 2017*, and for the penalty for such an offence not to exceed the penalty for the corresponding offence in that Act.

[34] Schedule 9 Election of members of county councils

Omit "section 90 of the *Parliamentary Electorates and Elections Act 1912*" from clause 25 of the Schedule.

Insert instead "section 119 of the *Electoral Act 2017*".