

## ITEMS FOR CONSIDERATION OF COUNCIL:

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## **REPORTS THROUGH THE GENERAL MANAGER**

### **REPORTS FROM EXECUTIVE MANAGER - OFFICE OF THE GENERAL MANAGER**

#### **1 [OGM] Election of Mayor and Deputy Mayor for the Period to September 2004**

##### **ORIGIN:**

**Administration Services**

##### **SUMMARY OF REPORT:**

Section 290(A) of the Local Government Act provides that the election of the Mayor by the Councillors is to be held if it is the first election after an Ordinary Election of Councillors within three (3) weeks after the Ordinary Election.

##### **RECOMMENDATION:**

That should an election be necessary to determine the selection of the persons for Mayor and Deputy Mayor that it proceeds by way of ordinary ballot.

## REPORT:

It is necessary for Council to resolve the way in which an election for the positions of Mayor and Deputy Mayor (should it be necessary) is to proceed whether by preferential ballot, ordinary ballot, or open voting. Preferential ballot and ordinary ballot are to be secret ballots. Open voting means voting by a show of hands or similar means.

Schedule 3 from the Regulations sets out the procedure to be followed for the conduct of the election of the Mayor and Deputy Mayor, under the ordinary ballot system. Schedule 3 of the Regulations is reproduced for Council's information:

### **"SCHEDULE 3 - ELECTION OF MAYOR BY COUNCILLORS**

(Cl. 120)

#### **PART 1 - PRELIMINARY**

##### **Returning Officer**

1. *The general manager is the returning officer, however the General Manager can appoint another person to be the returning officer.*

##### **Nomination**

2. (1) *A Councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more councillors, (one of whom may be the nominee.) The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

##### **Election**

3. (1) *If only one councillor is nominated, that councillor is elected.*
- (2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.*
- (3) *The election is to be held at the council meeting at which the council resolves on the method of voting.*
- (4) *In this clause:*

**ballot** has its normal meaning of secret ballot;

**open voting** means voting by a show of hands or similar means.

## **PART 2 - ORDINARY BALLOT OR OPEN VOTING**

### **Application of Part**

4. *This part applies if the election proceeds by ordinary ballot or by open voting.*

### **Marking of ballot-papers**

5. *If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.*

### **Count - 2 candidates**

6. (1) *If there are only 2 candidates, the candidate with the higher number of votes is elected.*
- (2) *If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.*

### **Count - 3 or more candidates**

7. (1) *If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.*
- (2) *If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (3) *If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.*
- (4) *A further vote is to be taken of the 2 remaining candidates.*
- (5) *Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.*
- (6) *If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

### **Tied Candidates**

13. (1) *If, on any count of votes, there are 2 candidates, in or remaining in, the election and the numbers of votes cast for the 2 candidates are equal - the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*

- (2) *If, on any count of votes, there are 3 or more candidates in, or remaining, in the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes - the candidate whose name is first chose by lot is taken to have the lowest number of votes and is therefore excluded.*

#### **PART 4 - GENERAL**

##### **Choosing by lot**

14. *To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.*

##### **Result**

15. *The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:-*
- (a) *to be declared to the councillors at the council meeting at which the election is held by the returning officer; and*
  - (b) *to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales."*

#### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:**

Nil.

#### **POLICY IMPLICATIONS:**

Nil.

#### **UNDER SEPARATE COVER:**

Nil.

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