

Conduct of the 2020 Local Government Election

File No: X001937

Summary

Council is required by the Local Government Act 1993 (the Act) to resolve the conduct of local government elections. The next local government election will occur on 12 September 2020.

The Act requires that, at least 18 months before the next local government election, councils must resolve that either the Chief Executive Officer (CEO) or the NSW Electoral Commissioner (NSWEC) will administer the election. The 18 month cut-off for a council resolution for the 2020 Local Government Election is 12 March 2019.

If a council resolves that the NSWEC will administer their election, it must enter into an arrangement to do this with the NSWEC at least 15 months before the election, in this case by 12 June 2019.

It is open to councils to engage the NSWEC to conduct elections only or elections, council polls and constitutional referenda. A council may take a poll of electors for information and guidance on any matter.

As the NSWEC has considerable expertise and experience in conducting elections, and has successfully conducted previous elections for the City, this report recommends that Council resolve to engage the NSWEC to conduct the 2020 Local Government Election, and any other elections, polls and constitutional referenda.

Council is also able to resolve that voting for elections will be exclusively by postal voting or by a combination of postal voting and attendance. If a resolution is not made by Council at least 18 months before the next local government election, then the next election will be conducted in the same way as the previous election. Voting in the City at the 2016 Local Government Election was a combination of postal and attendance voting. The cut-off date for a resolution on this matter is 12 March 2019.

To enable electors to vote by their preferred method, it is recommended that a combination of postal and attendance voting is retained.

Recommendation

It is resolved that:

- (A) Council enter into an election arrangement by contract with the NSW Electoral Commissioner pursuant to sections 296AA and 296 of the Local Government Act 1993 (NSW), to administer all elections, including council polls and constitutional referenda of the Council;
- (B) authority be delegated to the Chief Executive Officer to negotiate and execute the contract with the NSW Electoral Commissioner; and
- (C) the means of voting will be by way of a combination of attendance and postal voting.

Attachments

Nil.

Background

1. Section 296AA of the Local Government Act 1993 (the Act) requires that, at least 18 months before the next election, councils must resolve that either the Chief Executive Officer (CEO) or the NSW Electoral Commissioner (NSWEC) will administer the election.
2. The next local government election is 12 September 2020, and the 18 month cut-off for Council's resolution is 12 March 2019.
3. The NSWEC has a great deal of expertise and experience in conducting elections and has successfully conducted the City's past elections.
4. It is open to councils to engage the NSWEC to conduct elections only or elections, council polls and constitutional referenda.
5. Because of the NSWEC's expertise, and as the City has done this in previous years, it is recommended that Council resolve to enter into a contract for the Commissioner to conduct all elections, polls and constitutional referenda.
6. Any contract made will be automatically terminated 18 months before the 2024 Local Government Election, or on reasonable notice by either the City or the NSWEC (section 296(6) and (7) of the Act).
7. The Act also enables Council to resolve that voting for the next election will be exclusively by postal voting or by a combination of postal or attendance voting (section 310B of the Act).
8. Voting in the City of Sydney at the 2016 Local Government Election was a combination of postal and attendance voting.
9. Offering voters the opportunity to vote in person or by post will allow them to exercise their preferred voting method. As such, it is recommended that a combination of postal and attendance voting is retained.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

10. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic direction and objective:
 - (a) Direction 10 - Implementation through Effective Governance and Partnerships. It will enable compliance with legislative requirements for the election of the Lord Mayor and Councillors.

Social / Cultural / Community

11. Engaging the NSW Electoral Commission to administer the City's election will assure the community of compliant and fair elections.
12. Offering postal and attendance voting will give community members greater choice about the way they vote than if elections were conducted exclusively by postal voting.

Budget Implications

13. The exact costs of engaging the NSWEC will not be known until after the election as the NSWEC is required to invoice on a cost recovery basis.
14. The cost for the NSWEC to conduct the 2020 Local Government Election for the City is estimated at \$1.5 million. Allowance for this amount has been included in future year expenditure estimates, in financial year 2020/21.
15. NSWEC had indicated that a detailed cost estimate would be provided to the City in mid to late January 2019; at the date of this report, the estimate has not been received. Upon receiving a detailed cost estimate, future year expenditure estimates will be adjusted accordingly.

Relevant Legislation

16. Local Government Act 1993.

Critical Dates / Time Frames

17. Cut-off dates to comply with the Act are:

Resolution of Council regarding who will administer the 2020 Local Government Election required by	12 March 2019
Arrangement with the NSWEC to administer all elections must be entered into by	12 June 2019

Options

18. Administration of an ordinary election is highly complex, requiring transparent and fair processes to:
 - (a) produce all electoral materials;
 - (b) hire and staff the appropriate number of venues for early and election day voting;
 - (c) respond to early voting and postal voting requests;
 - (d) manage candidate and scrutineers;
 - (e) print ballot papers;
 - (f) process and count marked ballot papers (using the weighted inclusive Gregory method of preference allocation recently prescribed under amendments to the Local Government (General) Regulation 2005); and
 - (g) manage post-election storage of ballot papers to enable a possible recount or countback.
19. The option of the City administering its own elections, polls and referenda has not been considered because the City has no experience or capacity to administer elections. Further, the Electoral Commissioner is already required to undertake some tasks in relation to the City's non-residential roll under the City of Sydney Act 1988.
20. The option of having an electoral services provider, other than the NSWEC, administer elections, polls and referenda on the City's behalf has not been considered in detail because:
 - (a) Production of the non-residential rolls requires extensive collaboration with NSWEC, especially during an election period. Working with a second external organisation during this period would require additional effort and resources from the City as well as having the potential to confuse electors.
 - (b) Only a handful of councils have engaged non-NSWEC electoral services providers. The lack of information available on their performance does not allow for an informed comparison between them and the NSWEC.
 - (c) The NSWEC has a great deal of expertise and experience in conducting elections and has successfully conducted the City's past elections.
21. If Council does not resolve the conduct of its elections, polls and referenda by 11 March 2019, it will not be able to engage NSWEC to administer its ordinary election and will be required to make its own arrangements for the 2020 Local Government Election. As such, 'no action' has not been considered as an option.

Public Consultation

22. There has been no public consultation by the City on this matter.

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