



# Nominating to be a council member

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## 2017 Local Government Elections - Fact Sheet 4

### Are you eligible to nominate for council?

**To stand for election** as a councillor, or a mayor or president elected by the people of a local government district, you must:

- be 18 years of age or older;
- be an elector of the district (if you are only an elector because you are a nominee of a body corporate then you are not eligible to stand for council);
- (if a current council member) have a term that ends on election day, unless you are standing for mayor or president directly elected by the public.

**You are not eligible** to nominate for council if you:

- are a member of State or Federal Parliament;
- are an insolvent under administration;
- are serving a prison sentence for a crime;
- have been convicted of a serious local government offence within the last five years, (unless the court has waived the disqualification);
- have been convicted on indictment of an offence for which the indictable penalty was or included imprisonment for life, or imprisonment for more than five years;
- are a member of another council;
- are subject to a court order disqualifying you from being a council member because you have misapplied local government funds or property;
- are on the local electoral roll as the nominee of a body corporate;
- propose standing for two positions on council (unless you are standing for mayor or president as well as councillor); or
- are currently disqualified by the State Administrative Tribunal from holding office as a member of a council.

## How to make an effective nomination

For a nomination to stand for council to be effective:

- You must fill out the nomination form, and the nomination must be received by the returning officer for the local government's election within the period beginning the 44<sup>th</sup> day before election day and ending 4.00pm on the 37<sup>th</sup> day before election day.
- The nomination form must be accompanied by a candidate profile (more information on that is included later in this fact sheet).
- If you are nominated by an agent, the form must be accompanied by a written authorisation from you (or such authorisation must follow before nominations close, on the 37<sup>th</sup> day before election day).
- The nomination form and candidate profile must be accompanied by a deposit of \$80 or the deposit must be paid before nominations close.

**Key Concept:** For an effective nomination, you must have a nomination form, candidate profile, deposit (and authorisation if using an agent to lodge).

The earlier you lodge your nomination, the easier it will be for the returning officer to notify you of any errors or irregularities. For a full election timetable which includes the nomination period for this year's elections, refer to the DLGC's website.

## Name on nomination

The name to be printed on the ballot paper for a local government election must be your surname and one or more of your given names (or an initial or a commonly accepted variation). You must use the same name on your candidate profile. To ensure fairness between candidates the returning officer may rule that a name is inappropriate for inclusion on the ballot paper. If so, he or she may ask you to nominate another name or choose one he or she considers appropriate. Talk to the returning officer if you are uncertain about whether you can use a certain variation.

## Forwarding of a nomination

A nomination can be:

- delivered by you or your agent (if your nomination is signed and delivered by someone else you must provide written authorisation signed by you before nominations close);
- posted or faxed; or

- sent by any electronic means, providing a hard copy of the nomination can be printed in full including your signature.

An electronic nomination is deemed to be received when a hard copy is printed. Note that the receipt of your nomination does not mean that it has been accepted as an effective nomination. Also, the \$80 deposit must be paid before a nomination can be accepted.

**Tip:** If faxing or emailing your nomination, phone your local government's returning officer to check if he or she has received and made a hard copy of it before the close of nominations.

## Payment of nomination deposit

The \$80 deposit can be paid by cash, bank draft or postal order made out to the local government. It can also be paid in other ways such as by bank cheque or electronic funds transfer, subject to the approval of the returning officer. The reason that a deposit is required is to discourage frivolous nominations.

## Return of nomination deposits

Nomination deposits are to be returned to any successful candidate, and any candidate who receives at least 5 per cent of the total number of votes in the count.

Deposits are also to be returned if a candidate withdraws before 4.00pm on the 38<sup>th</sup> day before election day, or if a candidate in both an election for councillor and an election for mayor or president is elected as mayor or president.

## Candidate profiles

When you nominate for council, your candidate profile is to:

- be written in English;
- be not more than 150 words (excluding your name and contact details);
- be confined to information about you, your policies and beliefs;
- not contain information that is false, misleading or defamatory;
- be on a single-sided A4 page (it can be handwritten, typed or printed);
- include your full name, address and contact numbers (your name must be in the form in which you have asked for it to be shown on the ballot paper), and

can include a recent head or head and shoulders photograph no larger than a passport photo if you so wish.

The purpose of the profile is to provide information to electors about your policies and beliefs as well as your personal details so that they can make an informed choice when voting.

You may wish to tell them what you think are important services and facilities for your community and which you would like your local government to consider providing. You could highlight new areas where council could develop policies; and tell them what you would work towards on their behalf should you be elected.

Statements could be worded:

- I believe ...
- I support ...
- I participated in ...
- I raised the idea (or concept) in council of ...
- To illustrate my beliefs (or policies I have been involved in) ...

A candidate who has not been an elected member previously could relate their beliefs or policies to positions, decisions or outcomes they would try to have the council adopt. They could indicate their involvement with community groups that may have aims or agendas with which the candidate agrees.

Take care to avoid negative comments about other candidates or anyone else. Such comments could be viewed as defamatory. Make sure that the statements you make are practical and will not mislead.

The returning officer can amend your profile if it does not meet these requirements. Preferably, this will be done in consultation with you. This can be done before or after nominations close. If a profile is changed, the returning officer will promptly provide you with written notice of the change and the reason for it.

Where there is a 'voting in person' election, the returning officer will arrange for the display of your profile at each polling place as well as the local government's public notice board. For this purpose, the returning officer may reproduce it in the same form or another form.

In a postal voting election or where a postal voting package is sent to a person in a 'voting in person' election, the profile will be included in the package. Again it may be reproduced in the form in which you submitted it, or it may be reformatted.

**Tip:** Read the notes on the back of your nomination form before you fill it out and before you write your profile. Adhere to the conditions set down for candidate profiles as your nomination could be rejected if it does not conform to the requirements.

Should you wish to submit a photo, it is suggested that you use one with a light background as this provides better quality reproduction. The photo is included in the overall size limitation of the profile (single-sided, A4).

**Key concept:** The purpose of the candidate profile is to enable electors to make an informed choice when voting.

## Examples of candidate profiles

Below are two examples of how a candidate profile could be used to promote a candidate within the community:

### **No.1 Peter Barlow**

Your candidate for Oxford

A vote for Peter is a vote for independence and integrity.

31 years of age, married to Simone with three children, Tim 5, Jane 3 and James 1.

31 years resident of Oxford who enjoys and values the unique hills lifestyle.

Through his business, will ensure easy access for all residents to a sympathetic ear.

Loves and wants to keep our forest environment.

Positive thinking individual who believes in teamwork.

Will ensure strong support for our volunteer organisations (SES, Bush Fire Brigade, Scouts).

Keen to support open and accountable government – giving residents and ratepayers an opportunity to be part of the team.

Keen to see the implementation of the district conservation strategy in the Shire's new planning scheme.

Keen to support council's investment policy and plan.

Keen to see continuation of discounts for early payment of rates.

Contactable on tel: 123 4567 (H), 987 6543 (W), and at 16A Valley Road, Oxford.

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**No.2 Jennifer Simmonds**

I am married with two children and live in Tuart Street, Smithdale.

I am a small businessperson and am therefore very aware of the problems faced by small business people in the community. I am also supportive of living in a healthy and safe environment.

I believe that a local government should be open and accountable in the way it conducts its business and that people in the community should have every opportunity to participate in their local government.

I am therefore keen to promote steady and careful growth in our community and to promote the principles and aims of the new local government legislation.

My contact details are:

Address: 21 Tuart Street, Smithdale

Telephone: 9999 9999

## Rejection of nomination

A nomination can be accepted or rejected. It can only be rejected if it is ineffective (for instance, does not meet one of the requirements listed at the beginning of this fact sheet, or is not properly completed and signed, or if the deposit fee is not received by the end of nominations).

When a nomination is rejected, the returning officer must give you written notice of the decision and the reasons for it, without delay. This is another reason for lodging your nomination early.

## Display of nomination and profile

When a nomination has been accepted the returning officer will arrange for your nomination details (but not your nomination form), and your profile to be displayed on a public notice board at the local government's offices. Nomination details include the candidate's name, the name to appear on the ballot paper, the ward (if any), mayor,

president or councillor position, and the type of election (for instance, ordinary or extraordinary).

The details and profile will stay on display at the local government's offices until the result is declared if no election is required or until 6.00pm on election day.

Depending on the type of election, a copy of the profile will also be displayed in a prominent position in each polling place and/or will accompany each set of postal voting papers.

## Cancellation of nominations

A nomination is cancelled if you withdraw it before nominations close. Nominations can only be withdrawn by a written notice to the returning officer. If the notice is from your agent it must be accompanied by, or be followed by, a letter of authorisation from you before the close of nominations. A withdrawal notice or letter of authorisation can be transmitted in the same way as a nomination paper. (See "Forwarding of a nomination", earlier in this fact sheet.)

When a nomination is cancelled, nomination details and profiles will be removed from display and replaced by a notice of the cancellation until nominations close.

If you withdraw after 4.00pm on the day before nominations close, you will forfeit your deposit. Withdrawing of nominations can only occur up to the close of nominations, (4.00pm on the 37<sup>th</sup> day before election day). Your nomination cannot be withdrawn after the close of nominations.

For the full election timetable which includes the nomination period for this year's elections, refer to the DLGC's website.

## Is there going to be a vote?

### **Equal or less candidates than vacancies - No**

If the number of candidates equals the number of vacancies to be filled at the election, the candidates are declared elected unopposed and no formal election (poll) is held.

If the number of candidates is less than the number of vacancies to be filled at the election, the candidates are also elected unopposed and an extraordinary election will be held at a later date to fill the remaining vacancies.

### **More candidates than vacancies - Yes**

If there are more candidates than vacancies to be filled, an election (poll) will be held.

The returning officer will draw lots to determine the order in which the names of the candidates will appear on the ballot paper.

## Where can I get more information?

For more information visit the Department of Local Government and Communities website at: [www.dlqc.wa.gov.au](http://www.dlqc.wa.gov.au) or contact your local government.

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