



20 September 2002

## **EXTRAORDINARY COUNCIL MEETING**

NOTICE IS HEREBY GIVEN THAT AN EXTRAORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 24TH SEPTEMBER 2002 AT 7:00 PM

- 1 Apologies**
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  - 5.1 GENERAL MANAGER'S REPORT 16/2002 - ELECTION OF MAYOR AND DEPUTY MAYOR. 2
- 6 Confidential Reports**
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GENERAL MANAGER

# **GENERAL MANAGER'S REPORT**

## **16/2002**



<b>SUBJECT:</b>	ELECTION OF MAYOR AND DEPUTY MAYOR
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<b>DATE:</b>	4 September, 2002	<b>FILE NO:</b>	98/S/1796
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**REPORT BY:** GENERAL MANAGER

### **INTRODUCTION:**

The purpose of this report is to facilitate the election of the Mayor and Deputy Mayor.

### **ISSUES:**

In September each year, the Council is required to conduct an election for the position of Mayor. Traditionally, this Council has also elected a Deputy Mayor. In addition, Council has elected or appointed members to various Committees at that same meeting but, in September, 2000, the Council resolved that Committee appointments and membership be effective until the conclusion of the current term of the Council in the year 2003.

### **1. ELECTION OF MAYOR – SEPTEMBER 2002/2003. (98/S/1796)**

The procedure to be followed for the election of Mayor is outlined in Schedule 3 of the Local Government (Elections) Regulation, 1998, and is reproduced hereunder:-

#### **“PART 1 – PRELIMINARY**

##### **Returning Officer**

1. The general manager (or a person appointed by the general manager) is 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. (1) 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.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 76 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

**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 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 sub clause (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 remaining candidates had been the only candidates.
- (6) If at any stage during a count under sub clause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### **PART 3 – PREFERENTIAL BALLOT**

#### **Application of Part**

8. This Part applies if the election proceeds by preferential ballot.

#### **Ballot-papers and voting**

9. (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, and “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 76 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### **Count**

10. (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
- (4) In this clause **absolute majority** in relation to votes means a number which is more than one-half of the number of unexhausted formal ballot-papers.

#### **Tied candidates**

11. (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 chosen by the lot is taken to have the lowest number of votes and is therefore excluded.

### **PART 4 – GENERAL**

#### **Choosing by lot**

12. 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**

13. 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”.

## **2. ELECTION OF DEPUTY MAYOR – SEPTEMBER 2002/2003. (98/S/1796)**

In accordance with the provisions of Section 231 of the Local Government Act, the Council may elect one of its members to act as Deputy Mayor either for the Mayoral term or for a shorter term as may be resolved by the Council. Further, the Deputy Mayor may exercise any function of the Mayor, at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The election provisions of Schedule 3 of the Local Government (Elections) Regulation, 1993 also relate to the Deputy Mayor.

It has been the Council’s normal practice to elect a Deputy Mayor for the same Mayoral term, immediately following the election of the Mayor.

### **CONCLUSION:**

It is necessary for the Council, at this meeting, to make certain decisions relating to the election of a Mayor and Deputy Mayor.

### **RECOMMENDATION:**

- (a) **Method of Voting**  
That, should it be necessary for an election to be held for the position of Mayor and/or Deputy Mayor, Council determine the method of voting from one of the following:-
- Open Voting (Traditional Method at Randwick Council)
  - Ordinary Ballot
  - Preferential Ballot
- (b) **Election of Mayor**
- i. That the General Manager, as Returning Officer, calls nominations for the position of Mayor.

- ii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Mayor.
- iii. That, if necessary, an election be conducted in accordance with the Council's resolution made in relation to recommendation (a) for the position of Mayor.
- iv. That the General Manager, as Returning Officer, declare the Mayor elected for the September 2002/2003 term.

(c) **Election of Deputy Mayor**

- i. That the General Manager, as Returning Officer, calls nominations for the position of Deputy Mayor.
- ii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Deputy Mayor.
- iii. That, if necessary, an election be conducted in accordance with the Council's resolution made in relation to recommendation (a) for the position of Deputy Mayor.
- iv. That the General Manager, as Returning Officer, declare the Deputy Mayor elected for the September 2002/2003 term.

**ATTACHMENT/S:**

Nil

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GENERAL MANAGER