

CLAUSE NOTES

Local Government Electoral Bill 2026

Clause	Clause Note
Clause 1 Short title	This clause provides that the short title of the Act is the <i>Local Government Electoral Act 2026</i> .
Clause 2 Commencement	This clause provides that the Act commences on a day to be proclaimed.
Clause 3 Interpretation	This clause defines terms used throughout the Act.
Clause 4 Application of Part	This clause provides that ordinary elections for the offices of mayor, deputy mayor and councillor are to be conducted as separate elections for each office but are to be held concurrently.
Clause 5 Election of mayor and deputy mayor by electors	This clause provides that the mayor and deputy mayor of a council are each to be elected by the electors of the municipal area. It also provides that a person may only hold the office of mayor or deputy mayor while that person is a councillor and that the relevant office becomes vacant if the person ceases to be a councillor.
Clause 6 Eligibility for nomination as mayor or deputy mayor	This clause provides that a person is eligible to nominate as a candidate for mayor or deputy mayor if the person satisfies the candidate eligibility requirements in Part 10. A person may not nominate for both mayor and deputy mayor at elections held as part of the same ordinary election.
Clause 7 Election of mayor or deputy mayor by councillors in certain cases	This clause provides that, where no person nominates for election as mayor or deputy mayor, the sitting councillors are to elect one of their number to the vacant office in the prescribed manner. The election is to occur at the first ordinary council meeting after the declaration of the poll or at a later prescribed time.

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Clause 8 Term of office of mayor and deputy mayor	This clause provides for a 4-year term of office for a mayor and deputy mayor, commencing on publication of the certificate of election and ending on publication of the certificate of election for the next ordinary election for that office. Where the office of mayor becomes vacant, the deputy mayor is to act as mayor until the certificate of election for a by-election is published. If the vacancy occurs within 6 months before publication of the notice of election for an ordinary election, the deputy mayor is instead to act as mayor for the remainder of the mayoral term and no by-election is required. Where the office of deputy mayor becomes vacant, the councillors are to elect one of their number, in the prescribed manner, to serve for the remainder of the term. The clause also enables councillors to appoint one of their number to act as deputy mayor while the deputy mayor is acting as mayor or is temporarily absent.
Clause 9 Election of councillors	This clause provides that councillors are to be elected by the electors of the municipal area or, where the municipal area is divided into electoral districts, by the electors of the relevant electoral district. It also provides that the number of councillors to be elected for each municipal area is specified in Schedule 3 to the <i>Local Government Act 1993</i>.
Clause 10 Term of office of councillors	This clause provides for a 4-year term of office for councillors, commencing on publication of the certificate of election and ending on publication of the certificate of election for the next ordinary election for that office. The clause also enables the Governor, by order and on the recommendation of the Minister, to determine or alter the term of office of a councillor elected following the dismissal of all councillors of a council under the <i>Local Government Act 1993</i> or at a poll postponed in accordance with the Act.
Clause 11 Resignations	This clause provides that a councillor may resign at any time by giving a written resignation to the general manager. Unless otherwise provided, the resignation takes effect when received

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by the general manager or on a later day specified in the resignation. The general manager is required to advise the council and the Electoral Commissioner of the resignation.

The clause clarifies that a councillor who ceases to hold office as mayor or deputy mayor does not thereby cease to be a councillor. Conversely, a mayor or deputy mayor who resigns as a councillor also ceases to hold the office of mayor or deputy mayor.

Clause 12

Prescribed procedures for certain elections

This clause enables the regulations to prescribe procedures that differ from those specified in the Act for an election held as a result of an order under section 214E of the *Local Government Act 1993*.

Clause 13

Entitlement of electors to vote in election

This clause provides that a person is entitled to vote in an election for an electoral area if the person is enrolled on the State roll for an address within that electoral area or is included on the Local Government Electoral Roll for the electoral area. A person is entitled to one vote only in an election for an electoral area.

Clause 14

Entitlement to be enrolled on Local Government Electoral Roll

This clause establishes the eligibility requirements and application process for enrolment on the Local Government Electoral Roll. It defines occupier to include a natural person or corporate body that holds, in its own name, a current lease or licence to occupy land in an electoral area.

A person who is not enrolled on the State roll for an address within the electoral area may apply for enrolment on the Local Government Electoral Roll. A natural person must have resided continuously in Tasmania for at least 12 months before applying, while a corporate body must have maintained a registered office or principal place of business in Tasmania continuously for at least 12 months.

The applicant must also be an owner or occupier of land in the electoral area or, if a natural person, ordinarily reside within the electoral area. A natural person must have attained 18

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years of age, and an applicant must not be serving a sentence of imprisonment for a term exceeding 3 years.

The clause specifies the form and evidentiary requirements for an application, including signature and lodgement requirements. It also identifies examples of documents that may be provided as evidence, including a residential tenancy agreement, private purposes licence and accounts for specified utility and telecommunications services.

On receiving an application, the Electoral Commissioner may request additional information and must approve or refuse the application according to whether the Commissioner is reasonably satisfied that the eligibility requirements are met. An approved natural person is entitled to be enrolled on the Local Government Electoral Roll, while an approved corporate body is entitled to have a natural person nominated under clause 15 enrolled on its behalf.

Clause 15

Nomination of natural persons to vote on behalf of corporate bodies

This clause provides that an eligible corporate body may nominate one natural person to vote on its behalf at an election for an electoral area.

A corporate body nominee must be a director or secretary of the corporate body, must not otherwise be entitled to vote in the election for the electoral area, must be at least 18 years of age, must not already be the nominee of another corporate body in the same electoral area, and must not be serving a sentence of imprisonment for a term exceeding 3 years.

The clause specifies the requirements for making a nomination and enables the Electoral Commissioner to request additional information. The Electoral Commissioner must accept a nomination unless a specified ground for rejection applies, including where the corporate body does not have a registered office or principal place of business in the electoral area or the nominated person does not satisfy the eligibility requirements.

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An accepted nomination remains valid until the corporate body makes a new nomination or revokes the nomination, or until the Electoral Commissioner is satisfied or becomes aware that the corporate body or its nominee no longer meets the applicable requirements. A corporate body may have only one nominee for an electoral area, irrespective of the number of registered offices or principal places of business it has within that area.

Clause 16

Local Government Electoral Roll

This clause requires the Electoral Commissioner to keep a Local Government Electoral Roll for each electoral area in a manner determined by the Commissioner. The Roll is to contain eligible natural persons and corporate body nominees, their relevant addresses, and other information considered necessary for maintaining the accuracy of the Roll or administering the Act.

The Electoral Commissioner may access information from other bodies where considered necessary and relevant to maintaining the accuracy of the Roll and must make necessary alterations or additions as soon as practicable after becoming aware of the need to do so.

The Electoral Commissioner may remove or withhold an address or location of land from the Local Government Electoral Roll where satisfied that this is necessary to protect the safety of a person, natural person or corporate body nominee.

Clause 17

Inspection of, and objection to details recorded on, Local Government Electoral Roll

This clause enables a person to inspect the Local Government Electoral Roll free of charge after giving the Tasmanian Electoral Commission at least 2 working days' notice.

A natural person or corporate body nominee included on the Roll may object in writing to an error in their recorded details or to the omission of their name from the Roll. On receiving an objection, the Electoral Commissioner must review the Roll

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	and may make any corrections considered necessary to ensure its accuracy.
Clause 18 Closure of Local Government Electoral Roll and State roll	This clause requires the Electoral Commissioner to close the Local Government Electoral Roll and the State roll at 6:00 p.m. on the seventh Thursday before the closing day for an election.
Clause 19 List of electors	This clause requires the Electoral Commissioner to prepare and keep a certified list of electors for an election from the Local Government Electoral Roll and the State roll as at the roll closure day. The list forms one list but may consist of two or more parts. The Electoral Commissioner must take reasonable steps to prevent a person from being included more than once in the list and must provide the relevant returning officer with a copy of the certified list. From the roll closure day until the end of the relevant period, alterations to the list may only be made to correct errors. The returning officer must provide each candidate with one free copy of the list of electors for the candidate's electoral area as soon as practicable after roll closure. Any person may also inspect the list free of charge after giving the Electoral Commissioner at least 2 working days' notice. The clause creates an offence for using information obtained from a list of electors, without reasonable excuse, for a purpose other than a purpose connected with the election for which the list was prepared or a council management purpose authorised by the Electoral Commissioner. The offence is punishable by a fine not exceeding 100 penalty units.
Clause 20 Reviews	This clause provides a right to apply to the Tasmanian Civil and Administrative Tribunal for review of specified decisions of the Electoral Commissioner relating to applications for enrolment, corporate body nominations and corrections to the Local Government Electoral Roll.

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A Tribunal determination does not affect the conduct or outcome of an election held before the determination is made. Where the Tribunal sets aside or varies a decision concerning a correction to the Roll after roll closure, the Roll is not to be amended until it is reopened.

Where a Tribunal determination would entitle an applicant to vote at a forthcoming election, the applicant may vote and the Electoral Commissioner must make the necessary arrangements to enable that vote. A determination affecting an elector's entitlement to vote must be made before certification of the election results for the relevant electoral area unless the Tribunal directs otherwise in exceptional circumstances.

Clause 21**Compulsory voting
in elections for
certain persons**

This clause requires a person who is enrolled on the State roll, as at the roll closure day, for an address within an electoral area to vote in an election for that electoral area. A failure to vote is an offence punishable by a fine not exceeding 0.2 penalty units.

The compulsory voting requirement does not apply where the person satisfies the Electoral Commissioner that they had a valid and sufficient reason for failing to vote. A person who abstains from voting because voting is contrary to their religious beliefs is taken to have a valid and sufficient reason.

Proceedings for an offence may only be instituted by the Electoral Commissioner, the Director of Public Prosecutions or a person authorised in writing by either of them.

Clause 22**Notice of failure to
vote**

This clause requires the Electoral Commissioner, as soon as practicable after an election, to compile a list of persons who were required to vote and appear, on the basis of available electoral records, not to have voted.

The Electoral Commissioner must serve a notice of failure to vote on each person on the list, unless satisfied that the person had a valid and sufficient reason for failing to vote.

The notice must be in an approved form, specify a response date at least 21 days after service, and inform the person of

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	the compulsory voting requirement, the apparent failure to vote, the opportunity to explain why they believe they voted or why they failed to vote, and the option of paying the failure-to-vote penalty under clause 26.
Clause 23 Second notice of failure to vote if no response from person	This clause requires the Electoral Commissioner to serve a second notice of failure to vote where a person has not responded to the first notice or paid the failure-to-vote penalty by the response date and the Commissioner is not satisfied that the person had a valid and sufficient reason for failing to vote. The second notice must be in an approved form, specify a second response date at least 14 days after the notice is sent by post, repeat the required compulsory voting information and warn that failure to respond or pay by the second response date may result in an infringement notice being issued under clause 27.
Clause 24 Consideration and determination of notices	This clause requires the Electoral Commissioner to determine whether written reasons provided in response to a first or second failure-to-vote notice constitute a valid and sufficient reason for failing to vote. If the Electoral Commissioner accepts the reason, no further action is to be taken under Part 4 in respect of that failure to vote. If the reason is not accepted, the Electoral Commissioner must serve a determination notice specifying a determination response date at least 14 days after the notice is sent by post. The notice must state that the reason has not been accepted and advise that the person may pay the penalty under clause 26 by that date to avoid the issue of an infringement notice.
Clause 25 Service of notices under this Part	This clause specifies the methods by which notices under Part 4 may be served, including personal delivery, leaving or posting the notice to the person's last known postal or residential address, and electronic transmission to a nominated email address.

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A person is taken to consent to electronic service where they have provided the Tasmanian Electoral Commission with an email address for communications, have not indicated that it is not to be used for service under Part 4, and have been notified in advance of that method of service.

A notice served electronically is taken to have been received when it becomes capable of being retrieved by the recipient, unless the transmission fails or the Tasmanian Electoral Commission knows, or ought reasonably to know, that the email address is no longer current or operative.

Clause 26**Payment of failure to vote penalty**

This clause enables a person to pay a penalty of 0.2 penalty units to the Electoral Commissioner by the applicable response date or determination response date in respect of a failure to vote.

Payment of the penalty discharges the person's liability for the compulsory voting offence and prevents both prosecution for that failure to vote and the issue of an infringement notice under clause 27.

Clause 27**Infringement notices**

This clause enables the Electoral Commissioner to issue an infringement notice where a second failure-to-vote notice has been served and, by the second response date, the person has neither provided written reasons nor paid the failure-to-vote penalty.

The Electoral Commissioner may also issue an infringement notice where a determination notice has been served and the person has not paid the failure-to-vote penalty by the determination response date.

Clause 28**Determination of method of conducting election**

This clause requires the Electoral Commissioner, before publication of the notice of election, to determine whether an election is to be conducted by postal voting or attendance voting. A determination applies to all elections for an electoral area that are conducted concurrently.

An election may only be conducted by attendance voting where the Electoral Commissioner is satisfied that available

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	postal services are inadequate to ensure the reliable conduct of the election by postal voting. In determining the adequacy of postal services, regard may be had to matters including the reliability of mail delivery and geographic coverage of the electoral area. The Electoral Commissioner must, at least 6 months before publication of the notice of election, notify the Minister in writing of the method by which the election is to be conducted and publish a statement specifying that method on the Electoral Commissioner's website. The determination must also be made sufficiently in advance to enable the electoral rolls to be closed and certified and the compulsory voting procedures to be administered.
Clause 29 Application of Part	This clause provides that Part 6 applies where the Electoral Commissioner has determined under clause 28 that an election is to be conducted by postal voting.
Clause 30 Appointment of issuing and receiving places	This clause enables the Electoral Commissioner to appoint places or mobile facilities within or near an electoral area at which ballot material may be issued and received for a postal election. A hospital, convalescent home, nursing home or similar place may be appointed as a location at which a mobile facility operates. The Electoral Commissioner determines the operating hours of issuing and receiving places and must publish their locations, types and operating hours by a means considered appropriate, including on a website. An election is not invalid solely because an issuing and receiving place does not operate during the determined hours. An issuing and receiving place remains appointed for the election after publication of the notice of election unless the appointment is revoked in accordance with the Act. An issuing and receiving place may also be located outside the boundaries of the relevant electoral area.
Clause 31 Ballot material	This clause requires the Electoral Commissioner, during the polling period, to send or deliver specified ballot material to each elector at the address shown on the list of electors. The

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material includes ballot material for each relevant election, a voting declaration, instructions concerning completion and return of the ballot papers and any other information considered appropriate for the proper conduct of the election.

Envelopes used for issuing or returning ballot papers must be approved, provide space for the voting declaration and be designed to protect the secrecy of the vote. The voting declaration must state that the elector is the person named on the return envelope and has completed the enclosed ballot papers.

The Electoral Commissioner may include printed copies of candidates' personal statements with the ballot material. This does not affect the separate requirement under clause 62 to publish candidates' personal statements.

Clause 32**Voting procedures**

This clause specifies the procedure an elector must follow when voting by post, including marking the ballot papers, placing them in the appropriate envelopes, completing the voting declaration and returning the material before the close of the polling period.

Clause 33**Supplementary
issue of ballot
material**

This clause enables supplementary ballot material to be issued where an elector has not received the original ballot material, has spoiled any part of it, or is otherwise entitled to vote in the electoral area under clause 13.

Supplementary ballot material may be collected from an issuing and receiving place or, where the elector cannot attend such a place, posted to the address appearing on the list of electors or another address nominated by the elector. Material must not be issued by post where it is considered unlikely to reach the elector before closing day.

A record must be kept of each person to whom supplementary ballot material is issued and the reason for its issue.

Clause 34**When ballot papers
issued as**

This clause provides circumstances in which a ballot paper issued as supplementary ballot material may be accepted as a formal vote despite an elector's name having been omitted in

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supplementary ballot material may be accepted	error from the list of electors or Local Government Electoral Roll, or where an elector has remained continuously resident in the electoral area after previously being enrolled on the State roll for an address in that area.
Clause 35 Certain postal vote ballot papers not to be accepted	This clause provides that a postal ballot paper is not to be accepted as a formal vote where the required voting declaration has not been completed, the ballot paper is not contained in an approved envelope, or the ballot paper is received from a person who is not entitled to vote in the election.
Clause 36 Application of Part	This clause provides that Part 7 applies where the Electoral Commissioner has determined under clause 28 that an election is to be conducted by attendance voting.
Clause 37 Appointment of polling places, pre-poll polling places and mobile polling places	This clause enables the Electoral Commissioner to appoint polling places, pre-poll polling places and mobile polling places at which electors may vote in person. Such places may be located within or, where appropriate, outside the relevant electoral area. The Electoral Commissioner may appoint a hospital, convalescent home, nursing home or similar place as a location for a mobile polling place and determines the operating hours for each polling place. The locations and operating hours must be publicly notified by an appropriate means, including on a website. An election is not invalid solely because a polling place does not operate during the determined hours and such non-operation does not, of itself, relieve an elector of the compulsory voting requirement. The clause also restricts the circumstances in which an appointment may be terminated after publication of candidates.
Clause 38 Arrangements for operation of polling places, pre-	This clause requires the Electoral Commissioner to make any arrangements considered necessary for the operation of polling places, pre-poll polling places and mobile polling places.

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poll polling places and mobile polling places	
Clause 39 Requesting ballot papers	This clause enables an elector attending a polling place, pre-poll polling place or mobile polling place to request ballot papers by stating their name and address to an electoral officer. The electoral officer may ask questions considered necessary to determine the elector's entitlement to vote. An elector voting at a pre-poll polling place must complete any declaration required under the Act in relation to voting before closing day.
Clause 40 Issue of ballot papers	This clause requires an electoral officer to issue ballot papers where satisfied that the elector is entitled to vote and has not previously been issued with a ballot paper for the election. Before issue, the elector's name is to be marked on the list of electors and the electoral officer is to initial the ballot paper. A ballot paper is not invalid merely because it has not been initialled where the Tasmanian Electoral Commission is satisfied that it was issued by an electoral officer.
Clause 41 Spoilt ballot papers	This clause enables an electoral officer to issue a replacement ballot paper where satisfied that a ballot paper has been spoilt by mistake. The spoilt ballot paper must be immediately cancelled and preserved.
Clause 42 Voting in private	This clause requires an elector to vote without delay in an unoccupied voting compartment or other place provided for voting, mark the ballot paper in accordance with its directions, conceal the vote and place the ballot paper in the relevant ballot box. An elector must not show their vote to another person. The requirements are subject to approved procedures for electors who require assistance, including procedures allowing an assistant to accompany an elector.
Clause 43 Applications for postal voting at	This clause enables an elector to apply to vote by post at an election otherwise conducted by attendance voting where the elector is unable, or reasonably expects to be unable, to

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elections conducted by attendance voting	attend a polling place during the polling period or the elector's address is not included on the list of electors. The clause specifies the form, information, declaration, signature and lodgement requirements for an application, which must be lodged before 4 p.m. on the eighth day before closing day. The Tasmanian Electoral Commission may obtain details of electors registered as general postal voters under the Commonwealth <i>Electoral Act 1918</i>, who are then deemed to have made a valid application. Applications and relevant general postal voter details are generally to be available for public inspection after closing day, subject to protection of address information withheld from the Local Government Electoral Roll for safety reasons.
Clause 44 Issue of postal voting materials for elections conducted by attendance voting	This clause specifies the postal voting materials to be issued to an elector whose application under clause 43 is valid, including initialled ballot papers, approved instructions, an approved declaration envelope and other approved electoral material. The materials may be sent by post or another approved delivery method, delivered personally to the elector, or delivered through a person approved by the returning officer. The returning officer must keep an approved record of materials issued.
Clause 45 Re-issue of postal voting materials for elections conducted by attendance voting	This clause enables an elector to request re-issue of postal voting materials where the original materials have not been received or have been damaged or destroyed. The request must be made before 4 p.m. on the eighth day before closing day. The returning officer must keep an approved record of re-issued materials.
Clause 46	This clause prescribes the procedure for casting a postal vote at an attendance election, including marking and enclosing

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Postal voting procedures for elections conducted by attendance voting	ballot papers, completing and dating the declaration and returning the envelope so that it is received before closing day. The Electoral Commissioner may approve procedures to assist electors unable to vote without assistance. A postal vote cast in accordance with the Division satisfies the compulsory voting requirements of the Act.
Clause 47 Irregularities in postal voting procedures	This clause provides that an election is not invalid merely because of a failure to comply with a provision of the Division concerning the issue or return of postal voting materials, unless the failure affected the result of the election.
Clause 48 Assistance given to certain electors at polling places, pre-poll polling places and mobile polling places	This clause enables the Electoral Commissioner to approve reasonable and appropriate procedures to assist an elector who is unable to vote without assistance. Where assistance is to be provided, an electoral officer must advise any scrutineers present of the approved procedure by which the elector will vote.
Clause 49 Application of alternative voting	This clause applies Divisions 9A and 10 of Part 5 of the <i>Electoral Act 2004</i> to local government elections, subject to the modifications necessary to enable those alternative voting arrangements to operate under this Act. A vote cast under those arrangements is taken to have been validly cast under this Act. The regulations may prescribe further modifications or exclude provisions of those Divisions to the extent necessary to give effect to the section.
Clause 50 Appointment of returning officers	This clause requires the Electoral Commissioner to appoint a returning officer for an election for an electoral area. The returning officer is responsible for conducting the election in accordance with the Act and any directions of the Electoral Commissioner. The Electoral Commissioner must appoint a substitute returning officer as soon as practicable where the returning officer is absent or unable to act or the office becomes vacant.

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Clause 51 Appointment of electoral officers and electoral officers in charge	This clause enables the returning officer, in consultation with the Electoral Commissioner, to appoint electoral officers to assist with an election and to appoint electoral officers in charge of issuing and receiving places, polling places, pre-poll polling places and mobile polling places. Provision is also made for replacement of an electoral officer in charge who is absent or unable to act. An electoral officer appointed under the clause is a worker for the purposes of the <i>Workers Rehabilitation and Compensation Act 1988</i> and the <i>Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011</i>.
Clause 52 Powers of electoral officers in charge	This clause makes an electoral officer in charge responsible for maintaining order and ensuring the peace at the relevant electoral place. The officer may require a person reasonably suspected of committing an offence under the Act to leave the place, and a police officer must assist with removal if requested.
Clause 53 Returning officer, electoral officer and electoral officer in charge not prevented from voting	This clause clarifies that a returning officer, electoral officer or electoral officer in charge is not prevented from voting in an election by reason of holding that office.
Clause 54 Expenses of elections incurred by returning officers and Electoral Commission	This clause requires the relevant council to pay, within 30 days of receiving an invoice or request for payment, expenses reasonably and properly incurred by a returning officer or the Electoral Commissioner in conducting elections for the electoral area. Before payment, a council may request an itemised account of the expenses, which the Electoral Commissioner must provide within 14 days.

Clause**Clause Note****Clause 55****Closing day and
polling period**

This clause provides for the determination of the closing day and polling period for an election. Unless otherwise provided, polling closes at 2 p.m. for an election conducted by postal voting and at 6 p.m. for an election conducted by attendance voting.

Where the polling period overlaps with polling for a Commonwealth or Tasmanian parliamentary election, the Electoral Commissioner may fix another closing day. The Governor may also, by order, alter the closing day or postpone an election and, after a notice of election has issued, may alter the closing day or declare the election abandoned.

The Electoral Commissioner determines the commencement and operating hours of the polling period. An elector present at a polling place when polling is due to close must be given a reasonable opportunity to vote.

Clause 56**Adjournment of
polling period or
poll**

This clause enables the Tasmanian Electoral Commission to adjourn a polling period or suspend a poll in progress for up to 30 days where necessary to ensure the proper conduct of the election. The Commission may determine new polling days and a new closing day.

The Commission must publish notice of the period and reasons for the adjournment or suspension and any new closing day. The power applies to any poll conducted under the Act, including ordinary elections and by-elections.

Clause 57**Notice of election**

This clause requires the Electoral Commissioner to publish a notice of election prominently in a daily newspaper circulating in the electoral area on the Saturday 8 weeks before closing day. The notice must specify the roll closure date and time, the number and nature of vacancies and any additional information considered appropriate to promote public understanding of the election process.

Where the closing day is changed, an updated notice must be published as soon as practicable. A combined notice may be used for simultaneous elections, and the returning officer must

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	ensure that the notice is displayed at the relevant council's public office.
Clause 58 Elections for offices to be treated separately	This clause provides that each office to be filled at an election is treated as a separate election, whether or not elections for the offices are conducted concurrently.
Clause 59 Eligibility for nomination as mayor, deputy mayor or councillor	This clause establishes the eligibility requirements for nomination as mayor, deputy mayor or councillor. A candidate must be appropriately enrolled in the electoral area, have their primary place of residence in Tasmania, be an Australian citizen and satisfy the other eligibility requirements specified in the section. The clause disqualifies specified persons from nomination, including certain existing councillors of another council, persons barred from nomination by a court or Tribunal, employees of the relevant council, persons previously removed from office for inadequacy or incompetency, undischarged bankrupts and persons serving, or subject to, specified sentences of imprisonment. Where an electoral area is divided into electoral districts, a mayoral or deputy mayoral candidate need only be enrolled in the electoral area rather than a particular district. A person may not nominate as a councillor candidate in more than one electoral district within the same electoral area or in more than one electoral area.
Clause 60 Notices of nomination	This clause provides for an eligible person to nominate for election by lodging a notice of nomination with the returning officer before the end of the nomination period, either personally or, for a candidate endorsed by a registered party, through the registered officer of that party. A notice must contain prescribed personal and eligibility information and, where applicable, identify the registered party endorsing the candidate or the group under which the candidate is standing. A group candidate must also provide an

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attestation from another member or candidate confirming group membership.

The notice must attest to completion of applicable approved pre-nomination training and be supported by the signatures of at least 10 electors or 1% of electors enrolled for the electoral area, whichever is less, rounded up to a whole number. The candidate must sign the notice and, where endorsed by a registered party, the registered officer must also sign it.

A nomination may include a candidate personal statement complying with approved requirements. The regulations may prescribe different nomination requirements for different offices.

Clause 61**Determination and rejection of nominations**

This clause requires the returning officer to determine whether a nomination complies with the statutory requirements and enables the officer to seek additional information before accepting or rejecting the nomination.

A nomination must be rejected on specified grounds, including ineligibility relating to enrolment or citizenship, an obscene, offensive, frivolous, misleading or confusing group name, insufficient supporting signatures, or a materially incomplete or non-compliant nomination form.

The returning officer must advise the nominating person whether the nomination has been accepted or rejected and, in the case of rejection, provide written reasons to the person and, where applicable, the registered officer of the relevant party.

Clause 62**Publication of candidate information package by Electoral Commission**

This clause requires the Electoral Commission, as soon as practicable after nominations close, to publish electronically and make available in printed form a candidate information package identifying the candidates, whether each is party-endorsed, standing under a group name or independent, and containing each candidate personal statement provided under clause 60.

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Clause 63 Withdrawal of nomination or death of candidate	This clause enables a candidate to withdraw their nomination by notice received before the end of the nomination period. Where a candidate dies before nominations close, the nomination is deemed withdrawn and the nomination period may be extended by up to 24 hours. If a mayoral or deputy mayoral candidate dies after nominations close but before the polling period ends, the election is abandoned and a new closing day is to be fixed. Where a councillor candidate dies during that period and sufficient candidates remain to require a poll, the poll proceeds and preferences recorded for the deceased candidate are transferred to the elector's next preference. If the remaining candidates do not exceed the number of vacancies, they are declared elected. Where a candidate dies after polling closes but before declaration of the poll, the count proceeds as if the candidate had not died. If the deceased candidate would have been elected, the resulting office is treated as a casual vacancy; otherwise, the successful candidates are declared elected.
Clause 64 Election without poll	This clause provides that, where the number of accepted and unwithdrawn candidates does not exceed the number of vacancies for an office, those candidates are declared elected without a poll. The returning officer must declare the result, issue certificates of election no earlier than closing day and notify the Electoral Commissioner. Where the number of candidates is less than the number of vacancies, the Electoral Commissioner may call for further nominations and must determine and publish a further nomination period ending no later than noon on the fifth Monday before closing day.
Clause 65 Election with poll	This clause requires a poll where the number of accepted and unwithdrawn candidates exceeds the number of vacancies. The poll is conducted using the method determined under Part 5 and the applicable procedures in Parts 6, 7 and 8.

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	The Electoral Commissioner must publish specified information concerning the candidates, offices, polling period, voting locations and hours, method of voting and any other appropriate matter. A single notice may cover multiple concurrent elections.
Clause 66 Display of notice of nominations	This clause requires the returning officer, as soon as practicable after noon on the day following the close of nominations, to display at the relevant council office a notice identifying accepted candidates and the offices for which they have nominated and to advise the Electoral Commissioner of those details. Protected address information is not to be displayed. Information concerning nominations must not be publicly disclosed before the close of the nomination period.
Clause 67 Ballot papers	This clause provides for the form, content, preparation and printing of ballot papers for mayoral, deputy mayoral and councillor elections. The Electoral Commissioner may approve layout or appearance variations to improve clarity or accessibility, provided the required or permitted information and candidate order are not altered. Following the close of nominations and determination of accepted nominations, the Electoral Commissioner must prepare and print batches of ballot papers. The Commissioner determines the size of each batch and may vary the order of candidates between batches, including through rotation or randomisation, to promote fairness in candidate presentation and reduce positional bias.
Clause 68 Instructions on ballot papers	This clause specifies the voting instructions to be printed on ballot papers. The instructions require electors to number candidates in order of preference and specify the minimum number of preferences required for councillor elections according to the number of councillors to be elected.
Clause 69	This clause prescribes how an elector is to mark a ballot paper. For an election for mayor, deputy mayor or a single

Clause	Clause Note
Marking of ballot papers	councillor, the elector must indicate a first preference and may indicate further consecutive preferences. Where between 2 and 4 councillors are to be elected, the elector must number at least as many candidates as there are vacancies. Where 5 or more councillors are to be elected, the elector must number at least 5 candidates. In either case, the elector may indicate further consecutive preferences.
Clause 70 Appointment of scrutineers	This clause enables a candidate to appoint one or more persons who are not candidates at the election as scrutineers. An appointment must be made in an approved form and signed by both the candidate and the scrutineer.
Clause 71 Presence of scrutineers	This clause specifies the places at which a scrutineer may be present and enables the returning officer to determine the number of scrutineers permitted at each place having regard to the efficient conduct of the election and maintenance of order. Before acting, a scrutineer must produce evidence of appointment to an electoral officer and must visibly wear or display the identity badge issued by the officer.
Clause 72 Scrutineering	This clause enables a scrutineer to bring to an electoral officer's attention a matter reasonably believed to be contrary to election procedures or to affect the integrity of the election. The clause prohibits a scrutineer from disobeying reasonable directions, interfering with or attempting to influence persons, improperly communicating in a way that interferes with the election, touching ballot material without authority, or otherwise disrupting the election. Contravention is punishable by a fine not exceeding 10 penalty units.
Clause 73 Persons entitled to be present at certain places	This clause limits the persons entitled to be present at specified electoral places to electors attending for electoral purposes, appointed electoral officers, properly appointed scrutineers and persons otherwise authorised by the Electoral Commissioner, returning officer or relevant electoral officer.

Clause	Clause Note
Clause 74 Application of Part	This clause provides that Part 13 applies separately to each election for an office and that references in the Part to an election are generally references to the election for a particular office.
Clause 75 Counting votes	This clause requires ballot boxes to be sealed at the end of the polling period and delivered as directed by the returning officer. The returning officer must conduct or supervise the count in accordance with the applicable procedures in Schedule 1 for mayoral and deputy mayoral elections or councillor elections. To preserve secrecy, the Electoral Commission may approve the combining or mixing of ballot papers received at different issuing and receiving places or polling places.
Clause 76 Informal ballot papers	This clause specifies when a ballot paper is informal, including where it is not properly authenticated, records no vote, is not marked in accordance with the Act or contains a mark or writing that could reasonably identify the elector. A ballot paper is not to be treated as informal where the returning officer considers that the elector's intention is clearly indicated. The clause also preserves formality where preferences beyond the required minimum contain an omission or duplication, by disregarding preferences from the first such defect onwards. A candidate or scrutineer may request reconsideration of a decision that a ballot paper is informal. The returning officer may confirm or reverse that decision and a candidate may seek review by the Electoral Commissioner, who may confirm or vary the returning officer's decision.
Clause 77 Declaration of poll	This clause requires the returning officer, as soon as practicable after counting is complete, to declare the candidate elected and issue a certificate of election. At an ordinary election, councillor results must be declared before mayoral and deputy mayoral results.

Clause	Clause Note
Clause 78 Certificate of election	This clause requires the returning officer to forward the certificate of election to the Electoral Commissioner, who must arrange for a copy to be published in a daily newspaper circulating generally in the relevant electoral area. An elector or candidate may dispute an election result by applying to the Supreme Court within 90 days after publication of the certificate of election. The dispute is to be heard and determined in the prescribed manner.
Clause 79 Recount of votes	This clause enables a candidate to request a recount before declaration of the poll. The returning officer may agree to or refuse the request having regard to whether there are reasonable grounds for questioning the accuracy of the count. A refusal may be reviewed by the Tasmanian Electoral Commission, which may direct the returning officer to conduct a recount. A recount is conducted under the applicable procedures in Schedule 1 and is final for the purposes of the Act, subject to the right to dispute an election result under clause 78.
Clause 80 Keeping of physical, digital and electronic electoral material	This clause requires the returning officer to securely parcel, seal and store physical electoral material and appropriately store digital and electronic electoral material, and to provide specified material to the Electoral Commissioner. The Electoral Commissioner must retain used ballot papers and electronic electoral records for the periods specified in the clause, including until the next relevant election, and retain other electoral material for as long as necessary to allow election disputes to be determined. Ballot papers and electronic electoral material may only be examined for specified purposes, including filling a vacancy, resolving an election dispute or another purpose approved by the Electoral Commissioner.
Clause 81	This clause provides for a casual vacancy in the office of councillor to be filled by recount in accordance with Schedule

Clause	Clause Note
Casual vacancies and recounts	2, using the ballot material from the election at which the vacating councillor was elected. For the recount, completed formal ballot papers are redistributed only among candidates who remain eligible to hold office and who consent in writing to participate in the recount. Ballot material cast or recorded using alternative voting arrangements under Part 8 is also treated as ballot material for these purposes. A recount is generally not to be conducted during the 6 months preceding publication of the notice for the next ordinary election. However, a recount must be conducted where the vacancy would otherwise leave insufficient councillors to constitute a quorum. The Electoral Commissioner must notify eligible candidates of the recount, and candidates wishing to participate must lodge their written consent by noon on the eighth day after the relevant notice. A councillor elected by recount serves until the certificate of election is issued for the next ordinary election. The clause prohibits disclosure of the results of a hypothetical recount generated electronically in relation to a possible future casual vacancy.
Clause 82 By-elections	This clause requires a by-election to be held to fill a casual vacancy in the office of mayor. A by-election for a councillor vacancy is required where the Electoral Commissioner determines that it is not possible to conduct a recount or where one or more councillor offices remain unfilled following an election. The Electoral Commissioner may fix the closing day for a by-election, but must not do so where the polling period would overlap with the polling period for a Commonwealth or Tasmanian parliamentary election. A by-election is generally not to be held during the 6 months immediately preceding publication of the notice of election for the next ordinary election. However, a by-election may be held

Clause**Clause Note**

during that period where the number of councillors remaining in office is insufficient to constitute a quorum.

Except as otherwise provided, a by-election is to be conducted in accordance with the Act. Part 8 applies, to the extent relevant, to voting, counting, scrutiny, ballot handling and determination of formal and informal votes, subject to necessary procedural modifications determined by the Electoral Commissioner that are consistent with the Act.

The Electoral Commissioner, in consultation with the relevant general manager, may determine the date on which notice of the by-election is given, the nomination period and the date and time for closure of the Local Government Electoral Roll.

A deputy mayor may nominate in a mayoral by-election without first resigning as deputy mayor. If elected mayor, the person ceases to hold office as deputy mayor. Where a person vacates office as both councillor and mayor, any required by-elections are to be held concurrently to the extent practicable.

A councillor or mayor elected at a by-election serves for the remainder of the term of the person whose vacancy gave rise to the by-election.

Clause 83**Non-application of Part**

This clause provides that Part 14 does not apply to vacancies arising from the dismissal of all councillors of a council under the *Local Government Act 1993*.

Clause 84**Offences relating to polling**

This clause creates offences relating to voting and ballot material. A person must not vote where not entitled to vote or obtain, or attempt to obtain, more ballot papers than the person is entitled to receive. These offences are punishable by a fine not exceeding 5 penalty units.

A person must not obstruct an elector while the elector is marking a ballot paper or use words or actions to assist in discovering the person for whom an elector has voted or intends to vote. These offences are punishable by a fine not exceeding 10 penalty units.

Clause	Clause Note
	The clause also prohibits personating another elector, voting or attempting to vote more than once at the same election, attempting to vote using another person's ballot paper, fraudulently or unduly influencing an elector's voting conduct, and stealing, concealing, destroying, tampering with or otherwise interfering with electoral documents. These offences are punishable by a fine not exceeding 50 penalty units.
Clause 85 Offences at issuing and receiving places, polling places and certain other places	This clause enables an electoral officer, electoral officer in charge or a police officer acting under the direction of an electoral officer in charge to require a person who is not voting, or who is not otherwise entitled to be present, to leave a specified electoral place. A person who is directed to leave must do so immediately.
	The clause prohibits disorderly conduct, failure to comply with a lawful direction and the display or leaving of material containing directions, instructions or suggestions as to how an elector should or might vote.
	Except under an approved assistance procedure, a person must not enter or occupy a screened private voting area while another person is using it. The clause also prohibits unnecessarily occupying a voting area, obstructing or interfering with polling or ballot processing and removing ballot material without lawful authority.
Clause 86 Offences in violation of secrecy of ballot	This clause prohibits a person from attempting to discover, or assisting in discovering, the person for whom a vote is given and from disclosing knowledge of an elector's vote obtained in the course of performing election duties. Contravention is punishable by a fine not exceeding 10 penalty units.
Clause 87 Bribery, treating and undue influence	This clause defines election conduct to include whether and how a person votes, whether a person nominates or withdraws as a candidate, and whether a person expresses support for or opposition to a candidate or group of candidates. For the purposes of the section, the relevant period commences on publication of the notice of election and ends on closing day.

Clause	Clause Note
	A person must not, during the relevant period, directly or indirectly promise, offer, give, solicit or receive property or a benefit with the intention of influencing another person's election conduct. The offence attracts a maximum penalty of 1,000 penalty units or 5 years imprisonment, or both. The offence extends to supplying or offering food, drink or entertainment with the requisite intention. The clause excludes specified conduct, including declarations of public policy, voluntary transport of electors where no consideration is provided, and property, benefits, food, drink or entertainment not exceeding 3 fee units in value. A candidate or intending candidate must not, during the relevant period, offer, promise or give a donation, prize or gift to a club, association or body with the intention of influencing election conduct. A defence applies where a similar donation, gift or prize has been regularly given to the relevant organisation during a preceding period. The principal bribery offence is indictable, although it may be dealt with summarily by the Magistrates Court with the consent of the defendant and prosecutor where the Court considers it proper to do so.
Clause 88 Electoral intimidation	This clause creates the crime of electoral intimidation. A person must not, by violence or intimidation, influence or attempt to influence another person's election conduct. The offence is punishable on indictment by a fine not exceeding 1,000 penalty units or imprisonment for a term not exceeding 5 years, or both.
Clause 89 False or misleading statements	This clause creates an offence where a person, in providing information, making a notification, lodging a return or making an application under the Act, knowingly makes a false or misleading statement or knowingly omits information so that a statement is misleading. The offence is punishable on indictment. With the consent of the defendant and prosecutor, the Magistrates Court may deal with the offence summarily where it considers it proper to do

Clause	Clause Note
	so, with the reduced maximum penalties specified in the clause.
Clause 90 Continuing offences	This clause provides for continuing offences where an act or thing required by the Act is not done within a specified period or by a specified time and the failure constitutes an offence. The obligation continues after expiry of the relevant period or time and, following conviction, a separate further offence is committed for each day the failure continues. The clause makes equivalent provision where the Act imposes an obligation without specifying a period or time for compliance. A continuing offence is punishable by a fine not exceeding 0.5 penalty units for each day the failure continues. Charges for continuing offences relating to the same failure may be joined in one complaint, and the court may impose a single aggregate penalty not exceeding the sum of the maximum penalties that could otherwise have been imposed separately.
Clause 91 Interpretation of Part	This clause defines authorised officer for Part 16 as a person authorised in writing by the Electoral Commissioner to exercise powers under the Part.
Clause 92 Application of Part	This clause provides that the investigatory powers in Part 16 are additional to, and do not limit, other powers under the Act or another law. The Part applies to investigations relating to elections conducted under the Act.
Clause 93 Power to enter and inspect places	This clause enables an authorised officer to enter and inspect a place at a reasonable time where the officer reasonably suspects that electoral material, ballot material or records or documents relevant to an election are kept or may be found there. In exercising the power, an authorised officer may examine, copy and take possession of electoral material, ballot material, records, documents or equipment relating to the conduct of the election.

Clause	Clause Note
Clause 94 Power to require production of documents or information	This clause enables an authorised officer to require a person to produce electoral material, documents or records within the person's possession or control that are relevant to an election and to provide information reasonably required for an investigation. The officer may examine and copy material produced.
Clause 95 Power to seize and detain	This clause enables an authorised officer to seize and detain ballot material, electoral material, documents, electronic records, voting records or equipment where the officer reasonably believes they are relevant to an investigation under the Act. The authorised officer must provide a receipt identifying the authorising officer, date of seizure and material seized. The officer may also access, inspect and copy systems, software or electronic processes used for casting, recording, storing or counting votes under Part 8.
Clause 96 Power to require attendance and questioning	This clause enables an authorised officer to require a person to attend and answer questions relevant to an investigation. A written notice must specify the purpose, time and place of attendance and the legal basis for the requirement. Failure to attend and answer questions as required is punishable by a fine not exceeding 200 penalty units. A person required to attend may be accompanied by a legal representative.
Clause 97 Obstruction offences	This clause prohibits a person from obstructing, hindering or delaying an authorised officer exercising powers under Part 16 or refusing or failing to comply with a lawful requirement or direction under the Part. Contravention is punishable by a fine not exceeding 200 penalty units.
Clause 98 Warrants	This clause enables the Electoral Commissioner to apply to a magistrate for a warrant authorising entry and search of a place where an authorised officer is unable to enter under clause 93. A magistrate may issue the warrant where satisfied

Clause	Clause Note
	that there are reasonable grounds to suspect that a contravention of the Act has occurred or is occurring.
Clause 99 Application of Part to ordinary elections	This clause provides that, for the purposes of Part 17, an ordinary election is treated as a single election despite the separate concurrent elections for mayor, deputy mayor and councillor. A person contesting more than one office is likewise treated as a single candidate for the purposes of the Part. Unless expressly provided otherwise, references in Part 17 to electoral expenditure, electoral advertising, electoral matter, gifts or donations and disclosure obligations relate to the ordinary election as a whole. This does not affect the separate conduct of elections for each office under the Act.
Clause 100 Communication of electoral advertising	This clause prohibits, during the relevant period, communication of a how-to-vote card containing the name, photograph or likeness of a candidate or intending candidate without that person's written consent. The clause also prohibits electoral advertising that refers to a candidate or intending candidate offering, promising or giving a donation, prize or gift to clubs, associations or bodies. A person must not use or display a council's arms or logo in electoral advertising, subject to specified exceptions for material published by or on behalf of the Electoral Commissioner and television broadcasts.
Clause 101 Attribution of electoral advertising	This clause provides that electoral advertising promoting or opposing a person who is a candidate for more than one office is taken to relate to each election for which that person is a candidate. The clause operates subject to the expenditure attribution provisions in clauses 105 and 107.
Clause 102 Publication of electoral matter	This clause regulates electoral matter communicated during the relevant period and identifies categories of communication to which the section does not apply, including specified private communications, unpaid personal political expression, live unrecorded public statements, electoral authority

Clause**Clause Note**

communications, qualifying letters to editors, genuine editorial news and approved voting information.

A person must not print, publish, distribute or permit the publication or distribution of electoral matter unless its communication is permitted under clause 103 and it contains prominent and legible authorisation particulars.

Electoral matter must also not contain specified misleading or improper content, including misleading statements concerning candidature or party endorsement, misleading use of a registered party's name, material likely to cause an informal vote, statements that voting is not compulsory, or material likely to be mistaken for an official electoral authority communication. The offence attracts a maximum penalty of 200 penalty units or 6 months imprisonment, or both.

Clause 103**Permitted electoral matter**

This clause provides that electoral matter is permitted by a person where the person consented to its communication before it was communicated or is responsible for communicating it.

Electoral matter is taken to be permitted by or on behalf of a candidate or intending candidate where its communication is consented to by that person, the candidate's election agent or another person acting with their express or implied authority.

The Division does not apply to specified minor campaign items, including clothing, lapel buttons or badges, pens, pencils, balloons, business or visiting cards, letters or cards identifying the sender, and prescribed items.

Clause 104**Interpretation**

This clause defines terms used in the electoral expenditure Division, including annual increment, final campaign return, maximum electoral expenditure limit, publisher's advertising return and relevant election.

The maximum electoral expenditure limit is \$16,000, plus the applicable annual increment, for candidates for Hobart City Council, Clarence City Council, Glenorchy City Council, Kingborough Council or Launceston City Council, and \$10,000

Clause	Clause Note
	plus the applicable annual increment for candidates for other councils. From 1 July 2027, the annual increment accumulates by \$500 per financial year for the specified larger councils and \$300 per financial year for other councils. The applicable limit is the limit calculated for the financial year in which the relevant election, or in the case of a by-election the relevant poll, occurs.
Clause 105 Application of maximum electoral expenditure limit to candidates for multiple offices	This clause provides that where a person contests more than one office at the same ordinary election, the expenditure cap applies to the person as a single candidate. Total expenditure across all elections contested by the person must not exceed the highest applicable maximum electoral expenditure limit. To the extent of any inconsistency, the clause prevails over clauses 99, 101 and 107.
Clause 106 Incurring of electoral expenditure	This clause prohibits a person from incurring electoral expenditure for the dominant purpose of promoting or procuring a candidate's election unless the expenditure is incurred by the candidate, the candidate's election agent or with the prior express authorisation of either of them. A person must also not incur or authorise electoral expenditure for or on behalf of a registered party for the purpose of promoting or procuring a candidate's election. The clause does not prevent gifts or donations to a candidate's campaign where those gifts or donations do not constitute electoral expenditure and are disclosed in accordance with Division 4.
Clause 107 Attribution of electoral expenditure	This clause applies where electoral expenditure is incurred by a person other than a candidate or the candidate's election agent. Where the electoral matter to which the expenditure relates is permitted by or on behalf of the candidate under clause 103, that expenditure is taken to have been incurred by the candidate.

Clause	Clause Note
	Expenditure attributed to the candidate must be included in the candidate's electoral expenditure and is subject to the applicable maximum electoral expenditure limit. The attribution operates irrespective of whether incurring the expenditure also contravenes clause 106 and is subject to clause 105.
Clause 108 Exceeding electoral expenditure limit	This clause prohibits a candidate or election agent from incurring or authorising electoral expenditure exceeding the maximum electoral expenditure limit applicable to the candidate. Contravention is punishable by a fine not exceeding 50 penalty units.
Clause 109 Final campaign return	This clause requires a candidate or election agent to lodge a final campaign return with the Electoral Commissioner within 45 days after publication of the certificate of election for the relevant election. The return must set out the electoral expenditure incurred by the candidate or election agent. Failure to lodge the return is punishable by a fine not exceeding 50 penalty units. The return must be in an approved form, identify the candidate and any election agent, relate to the period from the close of nominations until publication of the certificate of election, be accompanied by supporting invoices, accounts or receipts, and be signed with a declaration that the information is complete and accurate to the best of the signatory's knowledge. On written application, the Electoral Commissioner may extend the lodgement period by up to 30 days where satisfied that the return cannot reasonably be lodged within the original period and the delay is not attributable to the neglect or default of the candidate or election agent. Where a candidate or election agent is convicted of failing to lodge the return, the Supreme Court must declare the candidate's election void unless satisfied that the failure did not materially affect the election result.
Clause 110	This clause requires a person who communicates electoral advertising, including by printing, publishing or broadcasting,

Clause	Clause Note
Publisher's advertising return	to lodge a publisher's advertising return with the Electoral Commissioner within 45 days after publication of the relevant certificate of election. The return must be in an approved form, be signed and declared before a justice or commissioner for declarations, identify the relevant election and, where applicable, the candidate to whom the advertising relates, and be accompanied by invoices, accounts or receipts for electoral expenditure recorded in the return.
Clause 111	
Final campaign return and publisher's advertising return available for inspection	This clause requires the Electoral Commissioner to provide the relevant general manager with copies of final campaign returns and publisher's advertising returns. The Electoral Commissioner and general manager must retain the returns, or copies, for 12 months and make them available for public inspection free of charge during that period. They may be destroyed after 12 months unless proceedings concerning the election remain on foot, in which case they must be retained until those proceedings are finally determined.
Clause 112	
Electoral Commissioner's powers to require information and documents	This clause enables the Electoral Commissioner, for the purpose of verifying campaign and publisher returns, to require a person reasonably believed to possess relevant information or documents to provide further information or explanation. The Commissioner may also require a person believed to possess information or records relating to electoral expenditure to provide information, produce records, answer questions or make an explanatory statement, and may make and retain copies of records produced.

Clause

Clause Note

A person must not, without reasonable excuse, fail to comply with such a requirement. Information, answers or statements compelled under the section are generally not admissible against the person except in proceedings concerning false or misleading information provided under the section.

Before imposing a requirement, the Electoral Commissioner must provide written notice specifying the information or documents required, the time and place for compliance and the penalty for non-compliance. A person must not knowingly provide false or misleading information, records, answers or statements.

Copies of records made by the Electoral Commissioner are admissible in proceedings and are presumed, in the absence of evidence to the contrary, to be the same as the original. Information and records obtained under the section must be treated confidentially except as otherwise permitted by law.

Clause 113

Disclosure of gifts and donations accepted during relevant period by candidates or intending candidates

This clause requires a candidate or intending candidate, during the relevant period, to disclose an accepted gift or donation to the Tasmanian Electoral Commission within 7 days after accepting it. Failure to disclose is punishable by a fine not exceeding 100 penalty units.

The disclosure must be in an approved form and include specified donor information, the date of acceptance, the nature and estimated value of the gift or donation, a declaration that the information is true and correct to the best of the candidate's knowledge, and the office to which the gift or donation relates, if applicable.

A candidate or intending candidate must not knowingly or recklessly make a false or misleading disclosure. Gifts or donations valued below \$50 are generally exempt unless they form part of a series from the same donor which, when aggregated during the relevant period, exceeds \$50.

Clause	Clause Note
Clause 114 Disclosure of gifts and donations accepted during disclosure period by continuing candidates	This clause requires a continuing candidate, within 7 days after acceptance of their notice of nomination, to provide the Tasmanian Electoral Commission with an extract from the gifts and donations register maintained under section 56B of the <i>Local Government Act 1993</i> containing entries relevant to the candidate during the disclosure period. A continuing candidate must not knowingly or recklessly make a false or misleading submission. Contravention is punishable by a fine not exceeding 100 penalty units.
Clause 115 Unlawful gifts and donations	This clause prohibits a person other than a candidate or intending candidate from accepting a gift or donation where the person knows, or ought reasonably to know, that it is intended to be passed to a candidate or intending candidate for campaign purposes. A candidate or intending candidate must not accept certain gifts or donations, including cash gifts exceeding \$50, aggregated cash gifts from the same donor exceeding \$50 during the relevant period, gifts exceeding \$50 that are not accompanied by required donor information, and gifts from known or reasonably suspected foreign donors within the meaning of the <i>Electoral Disclosure and Funding Act 2023</i>. A person who accepts a prohibited gift or donation must, within 6 weeks, return it to the donor or pay or transfer an equivalent amount to the State Account. The Tasmanian Electoral Commission must be notified in writing within 7 days after that action is completed.
Clause 116 Gifts and donations register	This clause requires the Tasmanian Electoral Commission to keep and maintain a gifts and donations register containing information disclosed or submitted under clauses 113 and 114. Information in the register must be retained for at least 5 years from the date it was disclosed or submitted.

Clause	Clause Note
Clause 117	
Publication of information contained in gifts and donations register	This clause requires the Tasmanian Electoral Commission to publish information disclosed or submitted under clauses 113 and 114 on its website within 7 days after receipt. Published information must remain publicly accessible until the certificate of election for the relevant election is published. The Commission may update, amend or correct published information, including to reflect the outcome of an investigation. The Commission may redact personal information where considered necessary to protect a person's safety or privacy, having regard to the public interest in transparency and electoral integrity.
Clause 118	
Formal defects not to invalidate elections	This clause provides that an election is not invalid merely because of specified formal defects or irregularities, including defects in the authority of a person conducting an election, formal errors in electoral documents or publications, late publication, delay in holding an election, failure to provide electoral material or another defect, impediment or omission of a merely formal nature.
Clause 119	
Ministerial order in respect of elections	This clause enables the Minister, by order and on the recommendation of the Electoral Commissioner, to make provision considered desirable to enable a particular election or elections to be held or to validate an electoral defect, informality or irregularity that appears not to have materially affected the result.
Clause 120	
Invalidity of election not to affect proceedings	This clause provides that the invalidity of an election, or a court declaration that a candidate's election is void, does not affect actions or proceedings by or against the council or decisions made by the council or a council committee.
Clause 121	This clause requires a returning officer to report alleged offences under the Act to the Electoral Commissioner. The

Clause	Clause Note
Instituting proceedings	Electoral Commissioner determines whether proceedings are to be instituted in respect of an offence.
Clause 122 Declaration of office	This clause requires a person elected as a councillor to make a declaration of office in the prescribed manner and form. Until the declaration is made, the person must not act as councillor, mayor or deputy mayor or participate in meetings of the council or a council committee. The council must acknowledge the making of the declaration at a council meeting and the general manager must record that fact in the minutes.
Clause 123 Vacancy of office on failure to make declaration	This clause provides that a councillor's office becomes vacant if the councillor does not make the required declaration of office within 60 days after publication of the certificate of election for that office.
Clause 124 Right to information	This clause provides that the <i>Right to Information Act 2009</i> does not apply to electoral material.
Clause 125 Role of Electoral Commissioner	This clause enables the Electoral Commissioner, for the purposes of performing functions under the Act, to require a person reasonably believed to possess relevant information or advice to provide it. The Electoral Commissioner is also required to prepare and publish electoral information and statistics, promote public awareness and understanding of elections, and encourage electoral enrolment and voting.
Clause 126 Savings and transitional provisions	This clause provides that the savings and transitional provisions in Schedule 3 have effect.
Clause 127 Regulations	This clause empowers the Governor to make regulations for the purposes of the Act. Regulations may apply differently according to specified matters, limitations, restrictions, times or circumstances and may authorise matters to be approved,

Clause	Clause Note
	determined, applied or regulated by the Tasmanian Electoral Commission or Electoral Commissioner. Regulations may prescribe how electoral expenditure, advertising, electoral matter and gifts or donations are apportioned where they relate to more than one election. The regulations may also create offences punishable by a fine not exceeding 10 penalty units and provide for continuing offences with a further fine not exceeding 2 penalty units for each day the offence continues.
Clause 128 Administration of Act	This clause provides that, until otherwise provided by an order under the <i>Administrative Arrangements Act 1990</i>, administration of the Act is assigned to the Minister for Local Government and the responsible department is the Department of Justice.
Clause 129 Consequential Amendments	This clause provides that the legislation specified in Schedule 4 is amended as set out in that Schedule.

Schedule provision Clause Note

Schedule 1	Schedule 1 establishes the procedures for counting votes under clause 75. It contains separate counting procedures for elections to fill a single office and for multi-member councillor elections.
Counting of votes	
Part 1 – General	Part 1 defines terms used in the Schedule, including absolute majority of votes, informal ballot paper, quota, surplus and transfer value.
Part 2 – Mayoral or councillor elections	Part 2 establishes an absolute-majority preferential counting method for elections to a single office. First preferences are counted and, if no candidate obtains an absolute majority, the lowest-polling candidate is excluded and preferences are distributed until one candidate obtains an absolute majority. Ballot papers continue to be counted until exhausted. Where candidates are tied for exclusion, or tied in the final count, the returning officer determines the outcome by drawing or casting lots in the prescribed manner.
Part 3 – Councillor elections	Part 3 establishes the proportional representation counting method for multi-member councillor elections. It provides for calculation of the quota, election of candidates reaching the quota and transfer of surplus votes at calculated transfer values. The Part specifies the order in which surpluses are dealt with and the transfer of surplus votes where a candidate reaches or exceeds the quota through a transfer. Where insufficient candidates have reached the quota, the lowest-polling candidate is excluded and that candidate's votes are transferred according to the electors' next available preferences and applicable transfer values. The process continues until the required number of candidates is elected. The Part also deals with determining the next available preference, tied candidates for exclusion, exhausted ballot papers and the order in which councillors are taken to have been elected.

Schedule provision Clause Note

Schedule 2

Recount to fill casual vacancy

Schedule 2 establishes the recount procedure for filling a casual vacancy in the office of councillor under clause 81.

Part 1 – General

Part 1 defines terms used in the recount procedure, including completed ballot papers counted, consenting candidate, consent period, quota, relevant election and vacating councillor.

Part 2 – Original election was for more than one councillor

Where there is only one consenting candidate, the Electoral Commissioner must declare that candidate elected and notify the Minister. Where there are two or more consenting candidates, the Commissioner must determine the successful candidate in accordance with the Schedule within 7 days after the consent period ends.

Votes counted for the vacating councillor are redistributed among consenting candidates according to the electors' next available preferences. The Schedule prescribes the transfer values applicable to first-preference and transferred votes and the order in which groups of votes are transferred.

Following redistribution, the preferential counting method in Part 2 of Schedule 1 applies with necessary modifications. The consenting candidate who obtains an absolute majority is declared elected and the Minister is notified.

The Schedule also provides rules for excluding tied candidates, conducting a recount where the vacating councillor was themselves elected by an earlier recount, determining the order of preferences and identifying exhausted ballot papers.

Schedule 3 Savings and transitional provisions

Schedule 3 contains savings and transitional arrangements for the commencement of the new electoral framework and defines the previous Act as the Local Government Act 1993 as in force immediately before commencement.

Clause 2 – Continuation in office

A person holding office as councillor, mayor or deputy mayor immediately before commencement continues in that office and is taken, for the purposes of the new Act, to have been

Schedule provision Clause Note

elected at the election under the previous Act at which they were elected. The date of election is taken to be the date on which the relevant certificate of election was issued.

Clause 3 – Retention of electoral roll kept under previous Act General managers must retain a copy of the electoral roll maintained under section 258 of the previous Act for 12 months after commencement and provide it to the Electoral Commissioner on request for the purposes of dealing with transitional matters.

Clause 4 – Failure to vote at elections held under previous Act The former compulsory voting provisions continue to apply to failures to vote at elections conducted under the previous Act, including in relation to notices, determinations, payments, infringement notices, liabilities and proceedings.

Clause 5 – Candidates at elections held under previous Act taken to be eligible candidates For recounts occurring before the first ordinary election under the new Act, a person who was a candidate at the election under the previous Act at which the vacating councillor was elected is taken to be an eligible candidate for the purposes of clause 81, subject to the continuing eligibility and consent requirements.

Clause 6 – Proceedings and other matters arising from elections held under previous Act The previous Act and associated regulations continue to apply to offences, proceedings, disputes, applications, reviews, appeals, determinations and other matters arising from elections conducted under the previous Act.

Clause 7 – Retention of electoral material from last ordinary election held under previous Act The Electoral Commissioner must retain electoral material from the last ordinary election under the previous Act until the certificate of election is issued for the first ordinary election conducted under the new Act.

Clause 8 – Persons enrolled on electoral rolls kept under previous Act taken to be enrolled on Local A person enrolled on a council electoral roll immediately before commencement is taken to be enrolled on the new Local Government Electoral Roll and entitled to vote in the electoral area for which they were previously enrolled. A person is taken to be enrolled once only on the new Roll,

Schedule provision Clause Note

Government Electoral Roll	irrespective of the number of electoral areas in which they were previously enrolled.
Schedule 4 Consequential amendments	Schedule 4 makes consequential amendments to the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> to recognise the <i>Local Government Electoral Act 2026</i> and the Tribunal's review jurisdiction under clause 20.