



KEMPSEY
Shire Council

GENERAL MANAGER'S EXTRAORDINARY REPORT

11th September 2007

C1	ELECTION OF MAYOR	{Folio No. *}
	FILE: 740 PJH	

SUMMARY:

Reporting on the election of Mayor for the 12 month term to September 2008.

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DESCRIPTION:

The Local Government Act 1993 (section 290) provides that the election of the Mayor by the Councillors is to be held within three (3) weeks of election day, and in the intervening years between Council elections the election of Mayor is to be held during the month of September.

The 2007-2008 Mayoral allowance has been set at \$31,740 per annum and a motor vehicle is provided for "business use" with "private use" on a user pays basis.

Nominations

The Local Government (General) Regulation 2005 Schedule 7 provides that nominations for Mayor must be in writing, signed by two (2) Councillors (one of whom **may** be the nominee), and the nominee must consent in writing to the nomination.

Nominations are to be "delivered or sent to the returning officer", that is the General Manager, who shall announce the names of the nominees at the council meeting at which the election is to be held.

A nomination form for both Mayor and Deputy Mayor is provided to Councillors with this agenda.

Method of election

Where only one (1) Councillor is nominated, that Councillor is declared elected.

Where more than one (1) Councillor is nominated, the Council is to resolve whether the election is to proceed: -

- ◆ by preferential ballot;
- ◆ by ordinary ballot; or
- ◆ by open voting

Preferential ballot and ordinary ballot are secret ballots, whereas open voting means by a show of hands or similar means.

Preferential Ballot

The ballot-papers are to contain the names of all the candidates. Councillors are to mark their votes by placing the number "1", "2" and so on against the various names so as to indicate the order of their preference for the candidates.

Ordinary Ballot

Under ordinary ballot, the General Manager is to decide the manner in which votes are to be marked on the ballot-papers.

Counting

The counting process is virtually the same for both preferential ballot and ordinary ballot where there are only two (2) candidates, (i.e. the candidate with the higher number of votes is elected).

However where there are three (3) or more candidates the counting process for:-

- (i) ordinary ballot requires the one with the lowest number of votes to be excluded and further votes taken until such time as only two (2) candidates remain;
- (ii) preferential ballot requires the successful candidates to secure an "absolute majority" of votes (i.e. a number more than one-half the number of formal unexhausted ballot papers). If an absolute majority is not obtained on first preference votes, the candidate with the lowest number of votes is excluded and the second preferences on those ballot papers are transferred to the remaining candidates.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and transferring the votes in order of the voter's preference is repeated until one candidate has received an absolute majority of votes.

With tied candidates, if on any count of votes, there are 2 candidates in and number of votes cast are equal, the candidate whose name is first chosen by lot is taken to be elected. If on any count of votes, there are 3 or more candidates in, or remaining in, 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, the candidate whose name if first chosen by lot is taken to be excluded.

REPORT IMPLICATIONS

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

The fee payable to the Mayor is determined by the Local Government Remuneration tribunal setting the fee limits (upper and lower) for a category 3 Council and then Council prior to July each year determines the fee level within the category limits.

- ***Policy or Statutory***

The election of Mayor is required under section 290 of the Local Government Act (where the Mayor is elected by councillors). The Local Government (General) Regulation 2005 provides for the election procedure.

- ***General Manager's Review***

As per report.

RECOMMENDATION:

- 1 That an election for Mayor be held.**
- 2 That should there be more than one (1) nominee, Council determine whether the election be by preferential ballot, ordinary ballot or open voting.**

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A V Burgess
GENERAL MANAGER