

**Circular No 8
October 1999**

Revisions of Voters Rolls for May 2000 Council Elections
[Sections 14 – 16, Local Government (Elections) Act 1999]

“Chief Executive Officers will need to alert property owners and occupiers to their entitlement to enrol to vote, and revise their voters rolls for the May 2000 elections by 10 March 2000. Council areas that have a high number of properties with owners or occupiers who are not residents of that area are particularly affected. For example, areas with holiday homes and shacks, flats and home units owned by private investors who are “groups” for the purposes of the Act, and occupiers of shopping centres or ribbon commercial development along main roads. In these cases there is likely to be an entitlement to be enrolled which is not presently recorded.”

The *Local Government (Elections) Act 1999* (“the 1999 Elections Act”) sets out the provisions regulating the conduct of Local Government elections. The *Local Government (Implementation) Bill 1999* (which was introduced into Parliament on 29 September 1999) includes transitional provisions preserving existing voters rolls for areas and wards (until revised), and dealing with any supplementary elections which may be underway.

This circular covers a number of key issues that will need to be considered in revising the voters roll for the May 2000 elections.

Entitlement and voting

Under both the 1934 and 1999 Elections Acts, people who are entitled to be enrolled to vote are:

- individual **residents** of the area who are recorded on the House of Assembly roll;
- residents who have lodged a “resident’s declaration” with the Council;
- individuals who are ratepayers, and who are sole owners or sole occupiers of rateable property;

- bodies corporate who are ratepayers, and who are sole owners or sole occupiers of rateable property;
- groups of persons who are ratepayers, and are joint owners, owners in common or joint occupiers of rateable property [for example, a person and their spouse, or a family group, or a business partnership].

However, the 1999 Elections Act adds a second limitation to group enrolments:

- ▶ as at present, at least one member of the group [whether a natural person or a body corporate] must not be on the roll due to some other entitlement, **and**
- ▶ no member of the group can be on the roll as a resident in respect of the rateable property.

The major change in the 1999 Elections Act is that bodies corporate and groups of persons do not need to nominate a person to exercise their vote.

Under the 1999 Elections Act, bodies corporate and groups no longer have to nominate a person, before the closure of the rolls, to vote on their behalf. Instead, the following will apply:

- ballot papers are to be posted to such bodies at the address which gives rise

to their entitlement to be enrolled or, at their option, to some other postal address;

- an officer of the body corporate or a member of the group is to fill out a pre-printed declaration on the envelope stating that they are authorised to vote on behalf of the body or group.

There is no longer any question about whether a body or group should be placed on the roll if they have not nominated a person in writing to vote on their behalf.

Bodies corporate and groups who satisfy the criteria in section 14 are entitled to be enrolled.

Note: It is proposed that the Elections Regulations will set out different arrangements for Councils with approval to conduct elections at polling booths.

Importance of Council's Assessment Record

CEOs should consider how multiple owners and occupiers of rateable property are to be identified and recorded in both their voters roll and their Assessment Record.

The information recorded in the Assessment Record is relevant to the determination of enrolment entitlements because under the Act the term "ratepayer" is defined as "*a person who appears in the assessment record as the owner or occupier of rateable property.*"

Section 172 of the Local Government Act 1999 (which replaces section 134 of the 1934 Act) requires the CEO to keep an assessment record showing a number of matters, including:

- a description of each piece of rateable land in the Council area;
- "*so far as is known to the CEO, the name of any occupier of the land (not being an owner or principal ratepayer of the land.)*"

The following case study example further explains the importance of determining entitlements to enrol.

CASE STUDY EXAMPLE

In a small two storey office block there may be four occupiers – two firms of accountants, a real estate company and a travel agent.

The building is owned by an investor who is not an occupier, and this person pays the total rates levied against the property.

All of these five entities may be entitled to be enrolled on the Council's voters roll if each person or company, or in the case of a group each member of the group, is a "ratepayer".

The CEO will need to decide what steps he or she will take [and what resources will be devoted] to identifying the four separate occupiers for the purposes of the voters roll, and to listing their names and other details in the Assessment Record.

If the four businesses are listed in the Assessment Record as occupiers, they will meet the definition of "ratepayer", and be able to meet one of the criteria for enrolment noted in the last three dot points under "Entitlement and voting" at the beginning of this Circular.

Identifying who has an entitlement to be enrolled

CEOs are responsible for the maintenance of the voters roll for the area (section 15).

Options for CEOs to consider, within the context of their available resources, include inviting occupiers to put their names forward for inclusion by means of:

- press advertisements in *The Advertiser* and local newspapers;
- an article in the Council's newsletter;
- letter box drop in appropriate locations;
- "all householder/business" mail out through the Council area;
- survey of commercial premises by door-knocking;

- through other Council established information networks, for example, bulletin boards in public places and websites.

The extent of the strategies adopted to ensure that eligible persons become enrolled is a matter for judgement having regard to:

- available resources;
- the nature of land occupation in the Council's area;
- the frequency of turnover of property.

Corporate and group owners already on the Assessment Record

Councils are likely to have a number of bodies corporate or group owners of rateable property in their assessment record who are not on the voters roll. Such entities are entitled to be enrolled under the 1999 Act, and to have voting papers mailed to them.

Examples are:

- holiday homes owned by a group of family members in a country area, who live in metropolitan Adelaide or a Council area different from the one where the holiday home is;
- business premises, flats and home units in a Council area owned by a company or group of investors who live in another Council area.

Care will need to be taken when recording the entitlements of the same owner/occupier in more than one ward.

Councils would have records of an address to which rate notices are currently sent. Administrative arrangements should be made to also record the name of the eligible company or group on the voters roll, without any action by the owners.

Technical and Administrative matters requiring close attention by CEOs and Council roll administrators.

Attention is drawn to section 14(1)(c)(iii) of the 1999 Act. A group is not entitled to be enrolled in specified circumstances concerning the enrolment status of group members. Careful checking of the identity

of all members of groups will be required to confirm the group is not ineligible to be enrolled.

Another aspect of these provisions, which had their origins in the *City of Adelaide Act 1998*, is to encourage the identification of individual members of the group who may be entitled to be enrolled – both, some or all of them – as a **residential elector** in their own right in relation to the property in question.

CEOs should review group memberships with a view to promoting the availability of an individual personal voting entitlement as a residential elector where this is available. This entitlement is either by:

- applying for House of Assembly enrolment; or
- by making a “resident’s declaration” to the CEO under section 14 (1)(a)(ii) of the Act, by all members of the group who are residents of the property which they own or occupy, (for example, in the case of residents ineligible to be recorded on the House of Assembly roll).

Owning or occupying groups of two, related by birth or marriage, often fall into the category where one is enrolled as a resident of the property and the other is not. Under the 1934 Act, the group member who was not enrolled as a resident was often disenfranchised by the failure of the group to nominate an agent for voting purposes.

Under the 1999 Elections Act, such a group will not be entitled to be enrolled as an owner or occupier in relation to the property if one of them is enrolled as a resident for the property. Therefore, efforts should be made to assist all residents in the group to become enrolled as residents in order to each gain a vote in their own right.

In addition, sections 14(4) to (7) of the 1999 Act require that a group on the roll must have a name, and the word “group” must appear as the last word of that name. The group can decide its name and notify the CEO, but if they fail to do so, the CEO is to allocate a name.

Therefore, in revising the roll in early 2000, CEOs will have to ensure that every group [both current and future enrolments] listed on the roll is given a name, ending with the word "group."

To assist in the successful delivery of postal voting papers, CEOs may wish to contact shopkeepers and commercial tenants so that trading names are recorded on the voters roll. For example, if a business is recorded on the voters roll as trading under the name *Bill's Bottle Shop* this may be more useful for postal delivery than the registered company name *ABC Liquor Retailers Pty Ltd*.

DO YOU NEED ASSISTANCE?

Computerised data and software

Many Councils already have existing arrangements with consultants and/or suppliers of software for a range of rating, valuation and electoral roll applications. Early contact with these service suppliers is strongly recommended.

Revision of Voters Roll Workshops

The possibility of convening workshops covering this topic as part of SAIRA's planned training and information session program for Council staff, is under consideration.

Experienced staff from the City of Adelaide have offered to contribute to the workshop to share their experience in revising their rolls for their December 1998 elections, and to assist other Councils in conforming with equivalent requirements. Other Councils may also have relevant experience to share and/or expertise to contribute.

If you are interested in attending a "Revision of Voters Roll Workshop" or have relevant expertise or experience to share, please contact Mr Joe Haslam at the Office of Local Government on (08) 8207 0619 or E-mail to haslam.joe@saugov.sa.gov.au

Do you have other transitional election issues not covered by this circular or need further information? For advice or assistance in relation to this circular or the new Local Government legislation please contact us at:

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