

LEGISLATIVE ASSEMBLY

Electoral Legislation Amendment Bill 2022

First print

Proposed amendments

No. 1 Independent candidate logos

Page 7, Schedule 2[8], line 41. Omit all words on the line. Insert instead—

Omit “the names of registered parties or the word “Independent” is” from section 101(3)(f).

Insert instead “the names of registered parties and logos, or the word “Independent” and the candidate’s logo, are”.

No. 2 Independent candidate logos

Page 8, Schedule 2. Insert after line 5—

[11A] Section 105A

Insert after section 105—

105A Request for use of independent candidate logo

- (1) A candidate, or a person intending to become a candidate, in an Assembly election may make a written request that a logo be printed on the ballot papers for the election adjacent to the candidate’s name.
- (2) The request must include the following—
 - (a) a copy of the logo as a black and white image in a format determined by the Electoral Commissioner,
 - (b) a declaration that the use of the logo will not infringe the intellectual property rights of any person,
 - (c) other requirements relating to the logo as determined by the Electoral Commissioner.
- (3) The request must be given to the Electoral Commissioner at least 2 weeks, or another period prescribed by the regulations, before 12 noon on the nomination day.
- (4) The Electoral Commissioner must refuse a request that does not comply with subsection (3).
- (5) The Electoral Commissioner must also refuse a request under this section if, in the opinion of the Electoral Commissioner, the logo—
 - (a) is obscene or offensive, or

-
- (b) is the logo of a registered party or a party currently represented in Parliament or another person, or
 - (c) so nearly resembles the logo of a registered party or a party currently represented in Parliament or another person it is likely to be confused with or mistaken for the logo, or
 - (d) is one a reasonable person would think suggests a connection or relationship exists between the candidate and another person or a registered party if that connection or relationship does not in fact exist, or
 - (e) comprises or contains the words “Independent Party” or comprises or contains the word “Independent” and—
 - (i) the name, or an abbreviation or acronym of the name, or logo of a registered party or a party currently represented in Parliament, or
 - (ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, or logo of a registered party or a party currently represented in Parliament that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym.
- (6) The Electoral Commissioner may refuse a request under this section if, in the opinion of the Electoral Commissioner, the logo—
- (a) is the logo of a party registered under Part 6 at any time during the previous 2 years (a *recently deregistered party*), or
 - (b) so nearly resembles the logo of a recently deregistered party it is likely to be confused with or mistaken for the logo, or
 - (c) is one a reasonable person would think suggests a connection or relationship exists between the candidate and a recently deregistered party if that connection or relationship does not in fact exist, or
 - (d) comprises or contains the words “Independent Party” or comprises or contains the word “Independent” and—
 - (i) the name, or an abbreviation or acronym of the name, or logo of a recently deregistered party, or
 - (ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, or logo of a recently deregistered party that the matter is likely to be confused with or mistaken for that name, abbreviation, acronym or logo.

No. 3 **Independent candidate logos**

Page 8, Schedule 2[13]. Insert after line 35—

106B Printing of independent candidate logo on ballot papers

- (1) The logo of a candidate in an Assembly election must be printed on the ballot papers adjacent to the name of a candidate if—
 - (a) a request has been validly made by the candidate under section 105A, and
 - (b) the Electoral Commissioner has not refused the request.
- (2) Subsection (1) does not apply to a candidate nominated or endorsed by a registered party.

No. 4 **Independent candidate logos**

Page 8, Schedule 2[14], line 43. Omit “relates.”. Insert instead—

-
- relates, or
- (iii) the logo of a candidate as required by section 106B.

No. 5 **Independent candidate logos**

Page 9, Schedule 2[15], line 3. Insert “the candidate’s logo or” before “the registered party logo”.

No. 6 **Exclusion of office accommodation from electoral expenditure campaign caps**

Page 11, Schedule 3[3]. Insert after line 13—

- (4B) For the purposes of Part 3 (Political donations and electoral expenditure), Division 4 (Caps on electoral expenditure for election campaigns), electoral expenditure does not include expenditure incurred for office accommodation for a single campaign office for a candidate or a party engaged in an election campaign, including for the campaign headquarters of a party, but only to a maximum amount of \$20,000 for each capped expenditure period.
- (4C) To avoid doubt, expenditure incurred for office accommodation that exceeds the amount referred to in subsection (4B) in a capped expenditure period is electoral expenditure for the purposes of Part 3, Division 4.
- (4D) The amount referred to in subsection (4B) is an adjustable amount that is to be adjusted for inflation as provided by Schedule 1.

No. 7 **Exclusion of office accommodation from electoral expenditure campaign caps**

Page 15, Schedule 3[33]. Insert after line 8—

5B Adjustment of office accommodation amount excluded from electoral expenditure caps

- (1) The adjustable amount specified in section 7(4B) applies for the first election period that is current when the provision commences and is then to be adjusted for inflation for subsequent election periods as provided by this clause.
- (2) An *election period* is the period between the end of an election day and the end of the election day of a successive general election.
- Note—** State general elections and local government general elections have different election periods.
- (3) For the purposes of subclause (2), any local government general election held on a day other than a day specified by the *Local Government Act 1993*, section 287(1) is to be disregarded.
- Note—** The election period for local government general elections is the ordinary 4-year cycle and is to disregard early elections caused by mergers or other causes.
- (4) The adjustable amounts that are to apply for a subsequent election period are to be determined by multiplying the adjustable amounts that applied for the previous election period by the increase in the Consumer Price Index during that previous election period.
- (5) The increase in the Consumer Price Index during an election period is to be calculated as B/A where—
- A* is the Consumer Price Index number for the last quarter for which the number was published before the start of the election period.
- B* is the Consumer Price Index number for the last quarter for which the number was published before the end of the election period.
- (6) If B/A is less than 1 (as a result of deflation), B/A is deemed to be 1.
- (7) Before the start of each election period after the election period that is current when this clause commences, the Electoral Commission is to publish notice on the NSW legislation website and its website of the amount of each adjustable amount for the election period that results from an adjustment under this clause.