

# Election fact sheet:

## Possible campaign offences

The Local Government Inspectorate investigates offences under the electoral provisions of the *Local Government Act (2020)*.

Possible campaign offences are outlined in **Part 8 Division 9 – sections 286-310** of the Act. New and returning candidates should familiarise themselves with the below potential campaign offences.

Penalties are shown below in both penalty units and terms of imprisonment.

### Part 8 Electoral provisions – Division 9 Electoral offences

Local Government Act 2020		
Section	Offence	Penalty
286	Nomination of a person not qualified to be a candidate or not capable of becoming a councillor	240 pu; 2 years
287(1)	Printing, publishing or distributing electoral material without authorising person's name and address	10 pu; 50 pu
288(1)	Misleading or deceptive electoral matter – person	60 pu or 6 months; 300 pu
288(2)	Misleading representation of ballot paper – person	60 pu or 6 months; 300 pu
289	Electoral advertisement in newspaper not labelled as advertisement	10 pu; 50 pu
290(1)	Failure to identify author of electoral article – person	10 pu; 50 pu
292	Failure to hand over unregistered how-to-vote cards	10 pu
293(1)	Making false/misleading statement in relation to voter enrolment – <b>indictable offence</b>	600 pu; 5 years
294(1)	Forging ballot paper – <b>indictable offence</b>	600 pu; 5 years
296(1)	Open sealed envelope containing ballot paper; break ballot box seal; deal with ballot papers etc – <b>indictable offence</b>	600 pu; 5 years

<b>294(3)</b>	Voting in the name of another person; voting more than once; applying for ballot paper in name of another person – <b>indictable offence</b>	600 pu; 5 years
<b>297</b>	Infringement of secrecy of voting	120 pu; 1 year
<b>299</b>	Interference with postal ballot materials – <b>indictable offence</b>	600 pu; 5 years
<b>300(2), 320</b>	Bribery, treating and undue influence – <b>indictable offence</b>	600 pu; 5 years
<b>300(4), 320</b>	Giving, conferring, offering property or benefit to influence vote – <b>indictable offence</b>	600 pu; 5 years
<b>301(1)</b>	Hindering/interfering with free exercise of political rights – <b>indictable offence</b>	600 pu; 5 years
<b>301(3)</b>	Influencing vote by violence or intimidation – <b>indictable offence</b>	600 pu; 5 years
<b>301(7)</b>	Interfere with voter marking his or her ballot paper	120 pu; 1 year
<b>303(1)</b>	Falsification of enrolment record or voter’s roll by Council staff	120 pu
<b>303(2)</b>	Impersonation of election manager or election official	10 pu
<b>303(3)</b>	Contravention of LGA by election manager or election official (wilfully or neglectfully)	60 pu; 6 months
<b>303(4)</b>	Failure to comply with VEC direction by election manager or election official (wilfully or neglectfully)	60 pu; 6 months
<b>304(2)</b>	Use of council resources to print, publish etc electoral material other than election information	60 pu

## Part 8 Electoral provisions – Division 10 Election campaign donations

<b>Local Government Act 2020</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty</b>
<b>306(6)</b>	Failing to give a campaign donation return; false or misleading information	60 pu



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### Local Government Inspectorate

Encouraging higher standards of integrity, accountability and transparency in local government

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