

By-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 – indictable offence	600 pu; 5 years
294(1)	Forging ballot paper – indictable offence	600 pu; 5 years
296(1)	Open sealed envelope containing ballot paper; break ballot box seal; deal with ballot papers etc – indictable offence	600 pu; 5 years

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

Local Government Act 2020		
Section	Offence	Penalty
306(6)	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

Level 27, 1 Spring Street, Melbourne, VIC 3000 | inspectorate@lgi.vic.gov.au | 1800 469 359 | www.lgi.vic.gov.au