

Appendix C

FORM P

[Clause 93(1)(d) and clause 101(2)(b) of the Act]

Sections 185.1, 185.11, 185.21 and 185.22 of The Local Government Election Act, 2015

Bribery

185.1 *A person is deemed to have committed the offence of bribery if that person:*

- (a) *or any other person on that person's behalf, directly or indirectly:*
 - (i) *gives, lends or agrees to give, lend, offer or promise money or valuable consideration, or gives, procures or agrees to give, procure, offer or promise any office, place or employment, to or for any voter or person in order to induce that voter or person to vote or refrain from voting at an election or on a bylaw or question; or*
 - (ii) *does any act described in subclause (i) on account of a voter having voted or having refrained from voting at an election or on a bylaw or question;*
- (b) *or any other person on that person's behalf, directly or indirectly, makes any gift, loan, offer, promise or agreement described in clause (a) to or for any person in order to induce that person to procure or defeat, or endeavour to procure or defeat:*
 - (i) *the election of a candidate;*
 - (ii) *the passing of a bylaw;*
 - (iii) *the result of a vote on a question; or*
 - (iv) *the vote of a voter at an election;*
- (c) *in return for a gift, loan, offer, promise, procurement or agreement, procures, defeats, engages, promises or endeavours to procure or defeat:*
 - (i) *the election of a candidate;*
 - (ii) *the passing of a bylaw;*
 - (iii) *the result of a vote on a question; or*
 - (iv) *the vote of a voter at an election;*
- (d) *advances, pays or causes to be paid money to or for the use of any other person, with the intent that the money or any part of it be spent in bribery at an election or at the voting on a bylaw or question, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part spent in bribery at an election or at the voting on the bylaw or question;*

- (e) or any other person on that person's behalf, before or during an election or before or during the voting on a bylaw or question, directly or indirectly, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for that person or any other person for:
 - (i) voting or agreeing to vote at the election or on the bylaw or question; or
 - (ii) refraining or agreeing to refrain from voting, at the election or on the bylaw or question;
- (f) or any other person on that person's behalf, after an election or the voting on a bylaw or question, directly or indirectly:
 - (i) receives any money or valuable consideration on account of any person having voted or refrained from voting; or
 - (ii) induces any other person to vote or refrain from voting at the election or on the bylaw or question; or
- (g) hires a vehicle for the purpose of transporting voters to or from the polls, or receives pay for the use of a vehicle for the purpose of transporting voters to and from a poll.

Undue Influence

185.11(1) In this section, "**threatens**" means:

- (a) makes use of or threatens to make use of any force, violence or restraint;
 - (b) inflicts or threatens the infliction personally or by or through any other person of any injury, damage, harm or loss; or
 - (c) in any manner practises intimidation.
- (2) A person is deemed to have committed the offence of undue influence if that person or any other person on that person's behalf, directly or indirectly:
- (a) threatens any person in order to induce or compel any person to vote or refrain from voting, or to vote for or against a particular candidate, bylaw or question, at an election, or on account of a voter having voted or refrained from voting at an election; or
 - (b) by abduction, duress or any fraudulent device or contrivance:
 - (i) impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter; or
 - (ii) compels, induces or prevails on a voter to give or refrain from giving the voter's vote, or to vote for or against a candidate, bylaw or question, at an election.

Forfeiture and disqualification

185.21 A candidate elected at an election who is found by a judge, on the hearing of a motion in the nature of a quo warranto, to be guilty of an act of bribery pursuant to section 185.1 or of using undue influence pursuant to section 185.11 forfeits the candidate's seat and is ineligible as a candidate at any election for 12 years.

Penalty for bribery or undue influence

185.22(1) *A person who is found guilty of an offence within the meaning of section 185.1 or 185.11 is:*

- (a) liable to a fine of not more than \$5,000, payable to the local jurisdiction on behalf of which the election was conducted; and*
 - (b) disqualified from voting at any election or on any bylaw or question for the next four consecutive years.*
- (2) The penalty imposed in this section is recoverable with full costs of suit by any person who sues for the penalty in court, and a person against whom judgment is rendered is ineligible either as a candidate or a voter until the full amount of the penalty has been paid.*
- (3) The judge may direct that, in default of payment of the penalty and costs within the time fixed, the person against whom judgment is rendered must be imprisoned for the lesser of the following periods:*
- (a) 30 days; or*
 - (b) until the day on which the penalty and costs are fully paid.*
- (4) In case of default of payment, the judge may issue a warrant for the arrest and imprisonment of the person against whom judgment is rendered in accordance with the judgment until the penalty and costs are fully paid.*