

Information sheet

Electoral Advertising - State Elections

This information sheet provides a summary of key legal requirements relevant to electoral advertising during state elections. It is designed to assist users in understanding their obligations in plain language.

Disclaimer: This information sheet is for general guidance only. It does not replace or override the legislation. For specific advice you should seek independent legal counsel.

Primary legislation:

 [Electoral Act 1985](#) (the Act)—Part 13, Division 2

 [Electoral Regulations 2024](#)

Who does this apply to?

This applies to any person who authors, publishes, or distributes material intended to influence voting or affect the result of a South Australian state election or by-election.



Authorisation requirements

Under section 112 of the Act: All electoral advertisements (printed or electronic) must include:

- **Name and physical address** (not a PO Box) of the authoriser.
- If authorised for a **registered political party**: the party's name or abbreviation.
- If authorised for a **relevant third party**: the third party's name.

Note: Independent candidates may use a PO Box with Electoral Commissioner approval and must include their suburb.

Exceptions: Small items such as stickers, badges, lapel buttons, pens, pencils, and balloons.

Maximum penalty

- **Individuals:** \$5,000
- **Bodies corporate:** \$25,000

Internet and social media

 Online electoral material must include the same authorisation details required for printed or electronic advertisements.

Social media pages: Authorisation should appear prominently in the 'About' section of the page. *It must not be provided only via a link.*

Broadcast advertisements

Radio ads: Must include spoken authorisation at the end.



TV ads: Must include both a spoken authorisation and a text-based authorisation displayed at the end.

Authorisation must include:

- Name and physical address (not a PO Box) of the authoriser.
- Party name and abbreviation, *if applicable*.
- Third-party name, *if applicable*.

Key definitions

Electoral advertisement

An advertisement containing electoral matter

Electoral matter

Any matter calculated to affect the result of an election

Misleading advertising

Under section 113 of the Act: It is an offence to publish electoral advertising containing a statement of fact that is inaccurate and misleading to a material extent.

Maximum penalty

- **Individuals:** \$5,000
- **Bodies corporate:** \$25,000

The Electoral Commissioner may require withdrawal or retraction and can seek enforcement through the Supreme Court.

Heading requirements

Under section 114 of the Act: Paid electoral matter in journals or electronic publications must include the word **advertisement** as a headline in legible letters.



Maximum penalty

- **Individuals:** \$1,250
- **Bodies corporate:** \$5,000

Display restrictions

Under section 115 of the Act:

- Posters (including corflutes) on public roads or road-related areas (including poles, fences, trees, fixtures) are prohibited.
- Election advertisements displayed on vehicles, buildings, or structures must not exceed 1 square metre in size.
- They must contain authorisation details.

Exceptions

- Posters held by a person (by hand or attached to a device).

Maximum penalty

- \$5,000



Size of electoral advertisements

No electoral advertisement larger than 1 square metre can be exhibited on:

- a vehicle or vessel.
- a building, hoarding, or other structure (for example, fences).

Grouping rule

- If 2 or more electoral advertisements are placed within **one metre** of each other and are for the same candidate or political party, they are treated as one advertisement.
- They may be treated separately if displayed on surfaces meeting at a 270° angle (see diagram).

Exceptions

- Theatre screens
- Candidate offices
(must be 100m from the entrance to a polling booth).

⌚ Maximum penalty

- \$5,000

Polling place restrictions

Under section 125 of the Act: No advertising or canvassing is permitted within 6 metres of a polling place entrance.

Activities prohibited within this zone include:

- Displaying posters, banners, or corflutes.
- Distribution how-to-vote cards.
- Verbal solicitation of voters.

⌚ Maximum penalty

- \$750

Robocall ban

Under section 115A of the Act: Robocalls and robopolls are prohibited.

The ban applies to political parties, candidates, MPs, and relevant third parties.

⌚ Maximum penalty

- Individuals: \$5,000
- Bodies corporate: \$10,000

Record keeping requirements

Under section 130ZZA of the Act: Political participants are subject to record-keeping obligations relating to electoral expenditure.

These obligations include the preparation and lodgement of returns covering electoral advertising and associated costs.



Further information

- This information sheet mainly refers to Part 13A of the *Electoral Act 1985* (SA)
- The Act is available in full at: legislation.sa.gov.au
- Further guidance is available on our advertising page at ecsa.sa.gov.au
- All participants should ensure they fully understand their obligations under the Act.