

## 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.

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

- 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.

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

### Maximum penalty

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

## 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

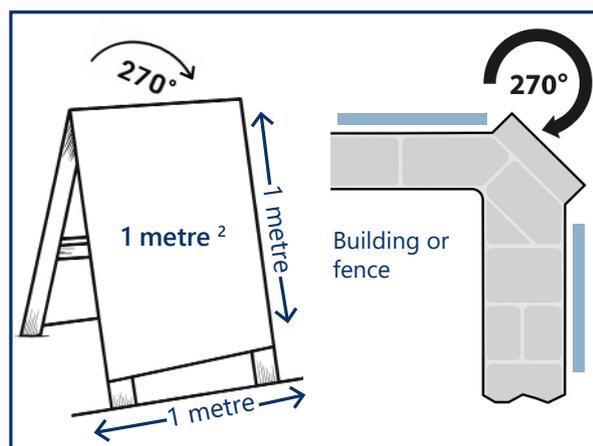
- If 2 or more electoral advertisements are placed within **one metre** of each other and are for the same candidate or political party, they are treated as one advertisement.
- They may be treated separately if displayed on surfaces meeting at a 270° angle (see diagram).

### Exceptions

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

### § Maximum penalty

- \$5,000



**Diagram** - Grouping rule exception: Ads on surfaces meeting at a 270° angle may be treated separately.

## 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 13 of the *Electoral Act 1985* (SA)
- The Act is available in full at: [legislation.sa.gov.au](http://legislation.sa.gov.au)
- Further guidance is available on our advertising page at [ecsa.sa.gov.au](http://ecsa.sa.gov.au)
- All participants should ensure they fully understand their obligations under the Act.