

Information sheet

Expenditure Caps - Election Participants

This information sheet provides a summary of the key legal requirements relating to expenditure caps for registered political parties, endorsed and independent candidates and groups, and third parties participating in South Australian state elections and by-elections. It is designed to assist users understand their obligations in clear, plain language.

Disclaimer: This information sheet is for general guidance only. It does not replace or override the *Electoral Act 1985* (The Act). For specific advice you should seek independent legal counsel.

What is political expenditure?

Political expenditure is money spent to publicly promote views about:

- Political parties
- Candidates or members of parliament
- Election issues
- Political materials
- Election-related research

Examples include:

- Advertising (TV, radio, print, online)
- Campaign materials (flyers, posters)
- Social media content
- Events supporting/opposing candidates or parties
- Polling or research used for campaign messaging

Does NOT include:

- GST
- MP allowances/benefits
- Administration or policy development costs
- Normal staffing costs

What are expenditure caps?

Expenditure caps limit the total amount of political expenditure that can be incurred during a capped expenditure period.

It is unlawful to exceed these caps.

Who do expenditure caps apply to?

Caps apply to:

- Registered political parties
- Endorsed and independent candidates
- Groups
- Third parties

Associated entities share the same cap as their party or candidate.

Types of expenditure caps

For a general election, 2 types of caps apply:

- General expenditure cap
- Candidate-related expenditure cap
(*applies only to political parties and third parties*).

When do expenditure caps apply?



General election

From 1 July of the year before the election → 30 days after polling day.



Other elections (e.g., by-elections)

Vacancy announcement date → 30 days after polling day.

Expenditure caps by participant type

Participant type	Election type	Expenditure cap (2026 indexed)
Registered political party	Legislative Council only	\$500,000
Registered political party	House of Assembly districts	\$75,000 × number of districts - candidate allocations
Registered political party	Legislative Council candidates	\$100,000 × number of candidates (max 5)
Endorsed candidate	House of Assembly	Up to \$100,000 (or \$40,000 if no agreement)
Independent candidate	House of Assembly	\$100,000
Independent candidate	Legislative Council	\$125,000
Group of independent candidates	Legislative Council	\$100,000 × number of candidates (max 5)
Third party	General election	\$450,000
Third party	By-election (HA)	\$60,000
Third party	Per district (General election)	Max \$60,000 per district

Political expenditure caps for by-elections

For House of Assembly by-elections, the cap for parties, candidates and groups is the same as the general election cap.

Candidate allocation agreements

For endorsed candidates in House of Assembly districts, the expenditure cap is determined by an agreement between the candidate and the party's agent.

This agreement must:

- be no more than \$100,000 (2026 indexed).
- be formally notified to the Electoral Commissioner at least 8-days before polling day.
- default to \$40,000 if no agreement is made.

Once notified, the agreed amount cannot be changed, and the Electoral Commissioner will not publish the agreement until after the capped expenditure period ends.

Attribution of political expenditure

Both the party and candidate must ensure all expenditure is correctly attributed.

- Party agents must monitor spending to avoid breaches.
- Endorsed candidates must only incur expenditure related to their own electoral district.
- Expenditure is district-related if communicated primarily to voters in that district.
- Polling or research counts equally towards all districts where the party has endorsed a candidate.

Penalties for exceeding expenditure caps

Breaching expenditure caps can result in significant consequences.

If caps are exceeded:

- The Crown may recover 10 times the excess amount from the responsible agent.
- This is in addition to other penalties under the Act.

Election may be declared void

An election may be declared void on the grounds of a breach of section 130ZA of the Act (the capped expenditure provisions) if the Court of Disputed Returns finds, on the balance of probabilities, that the result of the election was affected by the breach.

Record keeping requirements

All participants must keep complete and accurate records of all political expenditure for a minimum of 4 years.

These records must be sufficient to demonstrate compliance with the applicable expenditure caps and to support all disclosures and reporting obligations under the *Electoral Act 1985*.



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
- All participants should ensure they fully understand their obligations under the Act.