

Candidate Guide

(House of Assembly)

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Introduction

The House of Assembly Candidate Guide assists those interested in nominating as a candidate to stand for parliamentary elections to the lower house of the South Australian parliament.

Although this publication outlines key legal requirements, for further information you should consult South Australian legislation- the *Electoral Act 1985* (EA), the Regulations under that Act, and the *Constitution Act 1934* (CA). The EA, Regulations and CA may be downloaded from the South Australian Government Legislation website at www.legislation.sa.gov.au

While the Electoral Commission of South Australia (ECSA) will provide information, it cannot offer legal advice regarding the interpretation of the Act or the conduct of election campaigns. You may wish to consider seeking your own independent legal advice on any complex queries.

A House of Assembly Returning Officer (RO) is appointed to conduct the election in your electoral district and can be contacted to discuss various election matters including nominations, ballot paper draw, polling booth locations, appointment of scrutineers and count schedules. The names, addresses and contact details of each RO are available from ECSA.

For further information please contact:

Electoral Commission of South Australia
Level 6, 60 Light Square
ADELAIDE SA 5000
(08) 7424 7400

Or

Visit ECSA's website at www.ecsa.sa.gov.au

The election website includes a range of election information and education resources that might be of interest to you and electors in your district.

Mick Sherry
ELECTORAL COMMISSIONER

House of Assembly Candidate Checklist

- ☐ I am enrolled as an elector and eligible to stand as a candidate
- ☐ I have lodged my nomination with the correct electoral official prior to the close of nominations together with a deposit of \$1000 paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106 in the nomination kit folder).
- ☐ If paying the nomination deposit by EFT I have included with the nomination a printed EFT receipt that shows:
 - successful lodgement of the deposit payment;
 - recipient BSB Number;
 - recipient Account Number; and
 - deposit amount paid.
- ☐ I have indicated my intention to lodge voting ticket(s) on the nomination form
- ☐ I have clearly printed my ballot paper name and descriptive information on the nomination form
- ☐ I have lodged my voting ticket(s) within 72 hours after the close of nominations with ECSA or the RO
- ☐ I am aware that my election advertising material must be authorised, not misleading, within size limits and displayed as permitted by electoral legislation/council by-laws
- ☐ I have lodged my Section 66 how-to-vote card with ECSA within 4 days after the close of nominations
- ☐ I am aware if I lodge a how-to-vote card under Section 66, any other how-to-vote card I distribute (whether on its own or part of any other material) must have substantially the same appearance as the lodged card
- ☐ I am familiar with the electoral offences under the EA
- ☐ I have appointed scrutineer(s) to represent me during polling and/or the scrutiny and count of ballot papers

House of Assembly how to vote card lodgement checklist

Section 66 how to vote card requirements

- ☐ size: must be within 90mm wide x 150mm height
- ☐ the words 'how to vote' appear (anywhere on the card)
- ☐ optional: Registered Party name OR the word 'Independent' followed by no more than 3 words
- ☐ the words 'House of Assembly' appears on the how to vote card
- ☐ the district name for which the card is being lodged appears on the how to vote card
- ☐ all candidate names appear in ballot paper order
- ☐ all candidate names are spelt correctly (eg a candidate name appearing on the ballot paper as SMITH, Anthony cannot be reproduced as SMITH, Tony on the how to vote card)
- ☐ immediately before the surname of all candidates contesting the election, numbers surrounded by a square indicating the order of preference the candidate recommends for each candidate
- ☐ the name and address of the person authorising the card appears at the bottom
- ☐ the name and address of the person printing the card appears at the bottom if the card is distributed in print form
- ☐ no other matter appears on the how to vote card eg logos, images

OR - Requirements if lodging Section 60A how to vote card **(permitted only if voting ticket lodged)**

- ☐ confirm 'lodgement of voting ticket indicated' on lodged copy of RO 42 Party Endorsed Candidates nomination form OR RO 45 Independent Candidate nomination form
- ☐ immediately before the surname of the candidate for whom the how to vote card is being lodged, the number '1' surrounded by a square together with a statement to the effect that the elector must express a preference for all other candidates as the elector sees fit
- ☐ name and address of person authorising the how to vote card (not a PO Box) at bottom of card
- ☐ name and address of printer of the how to vote card at bottom
- ☐ no other matter to appear on the how to vote card eg logos, images

PART 1: Candidate information

1.1 Candidate guide

This guide is intended to assist candidates to understand the legal requirements of being a candidate to stand for a House of Assembly election and explains:

- eligibility provisions;
- nomination, voting ticket and How-to-vote card requirements;
- voting and counting processes; and
- candidate campaign and scrutineering obligations.

The guide should be read in conjunction with the information relating to election funding, expenditure and disclosure.

1.2 Funding and disclosure guide and information sheet

Candidates need to be aware of the provisions and their obligations under Part 13A of the EA dealing with election funding, expenditure and disclosure.

Electoral Reforms Now in Effect

From 1 July 2025, the Electoral (Accountability and Integrity) Amendment Act 2024, introduces comprehensive reforms to South Australia's electoral framework under the Electoral Act 1985.

The amendment is designed to strengthen transparency, accountability, and integrity in electoral funding and political donations with key reforms, including the introduction of Advance Funding, which is to be distributed in two instalments based on notional vote calculations, Administrative Funding, and Policy Development Funding models.

To support stakeholders, the Electoral Commission will provide ongoing guidance to assist participants in understanding their obligations under the new legislation, however independent legal advice is encouraged.

Financial disclosure obligations

Part 13A of the Act also establishes a scheme of financial disclosure by certain participants including registered political parties, candidates, associated entities of registered political parties, third parties incurring or intending to incur political expenditure in excess of a certain amount, and donors.

Various types of financial disclosures are required at prescribed times under Part 13A of the Act, depending on the type of participant.

Returns may be lodged to ecsa.fad@sa.gov.au

During the designated period of the election (which runs from 1 January 2026 until 30 days after polling day), the disclosure regime enters a 'high frequency period', during which, disclosure returns are required to be lodged on a more frequent basis.

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For information on candidate obligations, ECSA will publish a number of information Guides on its website at <https://ecsa.sa.gov.au/> under Parties and Candidates – Funding and disclosure for State elections – Guides.

The Guides cover a range of topics including:

- appointing an agent;
- operating a State campaign account;
- recording information about gifts and loans;
- lodging campaign donation returns;
- lodging expenditure returns;
- providing audit certificates with all returns lodged; and
- entitlement to and applying for public funding.

Any queries concerning election funding entitlements or the disclosure obligations of candidates should be directed at first instance to:

Compliance Branch

Email: ecsa.fad@sa.gov.au

Telephone: 08 7424 7400

PART 2: Election timetable

2.1 Issue of the Writ

Writs for simultaneous elections of the Legislative Council and the House of Assembly are issued by the Governor and deemed issued at one minute past midnight on the day on which it is signed.

Writs are issued 28 days prior to polling day and are addressed to the Electoral Commissioner. The writ sets out the dates for roll close, nominations close, polling day and for their return to the Governor.

The Electoral Commissioner must as soon as practicable after the issue of a Writ:

- advertise its terms in a newspaper circulating throughout the State
- notify all ROs of the election timetable specified in the Writ.

Note: It is the responsibility of ROs, under the direction of the Electoral Commissioner, to organise the conduct of elections in their respective districts.

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| Writ issue | 28 days prior to polling day |
| Roll close | <p>The close of the rolls must be 6 days after the issue of the Writ.</p> <p>Claims for enrolment or transfer of enrolment received after that date are not effective on polling day.</p> |
| Nominations close | <p>The close of nominations must be 3 days after the close of the rolls. Nominations close at 12 noon on that date.</p> <p>Note: Nominations for party endorsed candidates lodged centrally by a party's registered officer must be lodged at least 48 hours earlier.</p> |
| Polling day | <p>The day fixed for polling day is the third Saturday in March every fourth year after the last general election was held.</p> <p>Where there are simultaneous elections for both Houses of Parliament, polling must be on the same day.</p> |
| Declaration of the poll and return of the Writ | <p>The RO must, as soon as convenient after the election result is known, publicly declare the result and announce the name of the candidates elected. All candidates will be advised of the date, time and place for the declaration of the poll.</p> <p>ROs are required to provide the Electoral Commissioner with written confirmation of the result. The Writs containing the names of successful candidates are then returned to the Governor.</p> |

2.2 2026 State Election timetable

| | |
|---|---|
| ISSUE OF WRIT by the Governor, 28 days prior to polling day | Saturday 21 February 2026 |
| LODGEMENT OF NOMINATIONS Nominations for both party endorsed candidates and independent candidates may commence being lodged | Monday 23 February 2026 |
| 6 days after issue of writ | |
| CLOSE OF ROLL | 5pm Friday 27 February 2026 |
| CLOSE OF NOMINATIONS – Party endorsed candidates Deadline for registered political parties to lodge their multiple candidate nominations in bulk to Electoral Commission SA | 5pm Friday 27 February 2026 |
| 3 days after close of roll | |
| CLOSE OF NOMINATIONS – Independent candidates Lodgement deadline for independent candidate nominations | 12 noon Monday 2 March 2026 |
| Declaration of candidates and ballot paper position draw for House of Assembly ROs will conduct the declaration of candidates and ballot paper position draw as soon as practicable | Anticipated - 3 pm Monday 2 March 2026 |

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Close of lodgement for House of Assembly Voting Tickets – deadline for parties/candidates to lodge House of Assembly Voting Tickets (if intending to lodge)

12 noon Thursday 5 March 2026

Close of lodgement for Section 66 How-to-vote Cards – deadline for parties/candidates to lodge Section 66 How-to-vote Cards (if intending to lodge)

5pm Friday 6 March 2026

Early Voting commences/concludes

Monday 14 - Friday 20 March 2026

POLLING DAY

3rd Saturday in March in the 4th year after the last election

Saturday 21 March 2026

Recheck and recount of ordinary votes taken in booths

Monday 23 March 2026

Declaration vote counts

Monday 23 – Saturday 28 March 2026

Final declaration vote count and grouping of ballot papers

Saturday 28 March 2026

Full distribution of preferences

Monday 30 March 2026

Declaration of result

Wednesday 1 April 2026

Return of the Writs (date specified in Writ)

Deadline for the Electoral Commission SA to return the Writs to the Governor

PART 3: Candidate eligibility

A candidate must be properly nominated before they can contest an election for the House of Assembly. Nominations are accepted at face value by ECSA or the district RO, so it is in the candidate's interest to ensure the nomination can withstand any challenge in the Court of Disputed Returns.

A candidate may stand as an independent (unendorsed) candidate OR be endorsed by a registered political party.

3.1 Eligibility for nomination

A person wishing to nominate as a candidate must be enrolled as an elector for an address in South Australia at the date of roll closure. A person can verify their enrolment at <https://check.aec.gov.au>

A person entitled to enrol must be:

- at least 18 years old;
- an Australian citizen, or
- a British subject who was enrolled on either a South Australian, Commonwealth or Territory roll sometime between 26 October 1983 and 25 January 1984 inclusive; and
- of sound mind; and
- a resident of South Australia and has lived at their principal place of residence (for which they claim enrolment) for at least one month immediately preceding the date of the claim for enrolment.

A person is not qualified to be a candidate for election as a member of the House of Assembly if the person would, if elected, be required to immediately vacate his or her seat under section 31 of the CA.

Section 31 of the CA states:

- (1) If any member of the House of Assembly:
- (a) for twelve sitting days consecutively of any session of the House of Assembly without the permission of the House entered upon its journals fails to attend in the House; or
 - (b) is not or ceases to be an Australian citizen; or
 - (b) takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power; or
 - (c) does, concurs in, or adopts any act whereby the member may become a subject or citizen of any foreign state or power; or
 - (e) becomes bankrupt or an insolvent debtor within the meaning of the laws in force in the State relating to bankrupts or insolvent debtors; or
 - (f) becomes a public defaulter; or
 - (g) is attainted of treason; or
 - (h) is convicted of an indictable offence; or
 - (i) becomes of unsound mind,
- the member's seat in the House of Assembly shall thereby become vacant.
- (2) The seat of a member of the House of Assembly is not vacated because the member acquires or uses a foreign passport or travel document.

3.2 Multiple nominations

A person cannot be nominated as a candidate for an election for the House of Assembly and the Legislative Council, or for two or more Assembly elections, to be held on the same day.

At the declaration of nominations, if a person is nominated as a candidate in more than one of those elections, each of those nominations is invalid [EA s52(2)].

3.3 Officers or employees of the Crown

A person who is an officer or employee of the Crown should check the relevant State or Commonwealth legislation, detailing the requirements of public sector employees when contesting State elections (eg *Public Sector Act 2009* (SA); *Public Service Act 1999* (Cth) and Regulations).

Section 45(2) of the CA states 'If a candidate for election as a member of Parliament holds an office of profit from the Crown the candidate shall, unless he or she resigns that office before the date of the declaration of poll, be incapable of being elected'.

As a guide only, public sector employees who are successful at the election, need to have forwarded to their Chief Executive Officer a letter of resignation and have it accepted in writing no later than the close of business on the day prior to the declaration of the poll for their election (or at an earlier date if they so choose).

For State public sector employees requiring further advice or guidance, contact the Office for the Public Sector.

3.4 Inability to be nominated or elected

The CA specifies a number of circumstances whereby certain persons may be incapable of being nominated or elected to Parliament.

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| Disqualification of members occupying seats in both Houses <i>CA s43A</i> | <p>(1) No member of the Legislative Council shall be capable of being nominated as a candidate for election as a member of the House of Assembly.</p> |
| Disqualification of Judges <i>CA s44</i> | <p>No Judge of any court of the State shall be capable of being elected a member of the Parliament.</p> |
| Disqualification of members holding offices of profit <i>CA s45</i> | <p>(2) If a candidate for election as a member of Parliament holds an office of profit from the Crown the candidate shall, unless he or she resigns that office before the date of the declaration of poll, be incapable of being elected.</p> |
| Prevention of membership of both Commonwealth and State Parliaments <i>CA s47</i> | <p>(1) No member of either House of the Parliament of the Commonwealth shall be a member of either House of the Parliament of the State.</p> <p>(2) If any member of either House of the Parliament of the State is elected a member of either House of the Parliament of the Commonwealth the member shall vacate his or her seat in the Parliament of the State on taking his or her seat in the Parliament of the Commonwealth.</p> |

PART 4: Nomination procedures

4.1 Nomination kits

Nomination kits are available from ROs and ECSA, and for candidates endorsed by a registered political party, from party registered officers.

Each House of Assembly nomination kit contains:

- a Candidate Guide (RO16);
- a Scrutineer Guide (RO18);
- a nomination form and application for printing descriptive information on the ballot papers (RO 44);
- Nominators Declaration Forms (RO 44A) (if applicable);
- a voting ticket preference allocation form (RO 45);
- scrutineer appointment forms (RO 59);
- Electronic Funds Transfer (EFT) form (RO 106); and
- relevant compliance forms.

Further guides and scrutineer appointment forms may be downloaded from ECSA's website.

4.2 Lodgement of nominations

It is important to remember that each candidate is responsible for their own nomination and must ensure that it complies with the requirements of the CA and EA.

A nomination can only be lodged after the issue of the writ and on the official nomination form.

For **independent candidates**, the nomination must:

- be lodged with the relevant RO for the district;
- be lodged by 12 noon on the day fixed for the close of nominations;
- be accompanied by a deposit of \$1,000 paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106 in the nomination kit folder); and
- the names and signatures of at least 20 nominators who are electors enrolled for the district for which the candidate is nominating.

It is highly recommended that more than 20 nominators are provided in support of a House of Assembly nomination in the event that any of the 20 nominators are found to be ineligible during the nomination checking process.

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If the deposit is to be paid by EFT, the payment should be sent with the payment identifying descriptor of 'HA Deposit'.

A printed EFT receipt should also be provided with the nomination that shows the:

- successful lodgement of the deposit payment;
- recipient BSB Number;
- recipient Account Number; and
- deposit amount paid.

A deposit cannot be accepted in the form of cash or personal cheque as they fall outside the definition of the prescribed manner.

For **party endorsed candidates**, the registered officer of the party may lodge multiple nominations, and if so, must lodge them at least 48 hours before the hour of nomination with the Electoral Commissioner. Note - if nominations for Independent candidates close on a Monday, party endorsed multiple candidate lodgements cannot be made on Saturday – they must be lodged by Close of Business 5pm on the preceding Friday.

A deposit of \$1,000 for each endorsed candidate nominated must be paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106 in the nomination kit folder).

The following candidate information must be completed on the nomination form:

- full name;
- enrolled address;
- signed declaration consenting to nomination and qualified to stand as a candidate;
- name to appear on the ballot paper (see Part 5)
- intention to lodge voting ticket(s); and
- contact details (for ECSA use and, if desired, release to the media/public).

Independent candidates must ensure their nomination is received by the relevant RO before noon on nomination day, as late nominations **cannot** be accepted. Candidates should contact the relevant RO to arrange a suitable date and time for nomination lodgement.

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Rejection of a nomination based on unsuitable name

The RO may, with the agreement of the Electoral Commissioner, reject a nomination if the candidate's name, or the name which they have requested to appear on the ballot paper, is considered to be:

- obscene;
- frivolous, or
- has been assumed for an ulterior purpose.

Where a nomination is rejected on the above grounds, the RO must, if practicable, give the candidate sufficient time to withdraw the proposed nomination and lodge a fresh one under a different name before the close of nominations.

Voting ticket lodgement intention

A candidate must indicate on the nomination form whether they intend to lodge a voting ticket(s).

If a candidate is a member of a registered political party, they must indicate on the nomination form whether they intend to lodge voting ticket(s) personally or whether the registered officer of the party will lodge the voting ticket(s) on their behalf.

4.3 Process for independent candidates

How to nominate

A candidate must nominate by filling in the official House of Assembly Nomination Form (Independent Candidate) RO 44. This must be accompanied by the official House of Assembly List of Nominators (Declaration Form) RO 44A and contain the details of at least 20 persons who, at roll close for the relevant election, are enrolled and qualified to vote for the district the candidate intends to contest.

Note: If you have lodged a RO44A(List of nominators) at time of application for Advanced Funding you do not need to provide an RO44A at time of nomination.

The completed nomination forms must be accompanied by a deposit of \$1,000 paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106 in the nomination kit folder).

If the deposit is to be paid by EFT, the payment should be sent with the payment identifying descriptor of 'HA Deposit'.

A printed EFT receipt should also be provided with the nomination that shows the:

- successful lodgement of the deposit payment
- recipient BSB Number;
- recipient Account Number; and
- deposit amount paid.

A deposit cannot be accepted in the form of cash or personal cheque as they fall outside the definition of the prescribed manner.

Only original forms can be accepted, a faxed or emailed nomination form will not be accepted.

Where to nominate

The completed nomination form, deposit and nominator declaration forms must be lodged with the relevant district RO.

A candidate is advised to contact the RO to arrange a suitable date and time for nomination lodgement. RO contact details are shown on ECSA's website.

When to nominate

Nominations must be lodged after the issue of the writ and by no later than the close of nominations. It is recommended that nominations be lodged early to allow for the checking of 20 nominators and to ensure there is sufficient time to resolve any issues.

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Forms to be completed by independent (non-party endorsed) candidate

**Form
RO 44**

Independent Candidate Nomination Form

Completed with various details, including candidate's enrolled address, contact details, ballot paper name, ballot paper descriptive information and voting ticket lodgement intention.

**Form
RO 44A**

List of Nominators (Declaration Form)

Completed with the names, enrolled address, date of birth and signatures of at least 20 nominators who are electors enrolled for the House of Assembly district for which the candidate is nominating.

**Form
RO 45**

Voting Tickets

Advice of Independent Candidate Preferences

Statement of preferences lodged with the RO or Electoral Commissioner within 72 hours after the close of nominations, provided the candidate has indicated their intention to lodge voting ticket(s) on the nomination form.

4.4 Process for party endorsed candidates

How to nominate

A party endorsed candidate must complete the official House of Assembly Nomination Form RO 40B and return it to the party's registered officer in sufficient time for lodgement.

The registered officer may lodge in bulk, all party nomination forms together with a deposit of \$1,000 for each candidate nominated paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106 in the nomination kit folder).

If the deposit is to be paid by EFT, the payment should be sent with the payment identifying descriptor of 'HA Deposit'. A printed EFT receipt should also be provided with the nomination that shows the:

- successful lodgement of the deposit payment for all nominated candidates;
- recipient BSB Number;
- recipient Account Number; and
- deposit amount paid.

Only original forms can be accepted, a faxed or emailed nomination form will not be accepted.

Cash or personal cheque are not acceptable forms of deposit.

The names of all party endorsed candidates must be listed on the official House of Assembly Endorsed List of Party Candidates and Ballot Paper Name Form RO 40A and accompanying Forms RO 40B.

Alternatively, an endorsed party candidate may nominate as a single candidate by 12 noon on the day fixed for the close of nominations, on nomination Form RO 43. This form is only completed by an endorsed candidate if their nomination form is not lodged by the registered officer of the party at least 48 hours before nominations close.

Where to nominate

It is expected that all registered officers of registered parties will lodge nominations with the Electoral Commissioner centrally at ECSA.

When to nominate

Registered officers must lodge nominations of party endorsed candidates after the issue of the writ and at least 48 hours before the hour of nomination. Note - if nominations for Independent candidates close on a Monday, party endorsed multiple candidate lodgements cannot be made on Saturday – they must be lodged by Close of Business 5pm on the preceding Friday.

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Forms to be completed by or on behalf of party endorsed candidates

Form**RO 40A****Multiple nominations endorsed by party**

Completed by the registered officer of the political party and includes ballot paper descriptive information for all party endorsed candidates. RO 40A is lodged with all RO 40B forms.

Form**RO 40B****Party Candidate Nomination Form**

Completed by an endorsed party candidate and returned to the party's registered officer for lodgement. The nomination form contains the candidate's enrolled address, contact details, ballot paper name and voting ticket lodgement intention.

Form**RO 42****Voting Tickets****Advice of Party Candidate Preferences**

Statement of preferences completed on behalf of party endorsed candidates by the registered officer of the party and lodged with the Electoral Commissioner within 72 hours after the close of nominations, provided the candidate has indicated their intention to lodge voting ticket(s) on the nomination form.

Form**RO 43****House of Assembly Nomination Form****Single party endorsed candidate**

This form is only completed by an endorsed candidate if their nomination form is not lodged by the registered officer of the party before the deadline for lodging multiple nominations.

An endorsed candidate may nominate in the same manner as an unendorsed candidate.

However, the nomination form must be accompanied by Form RO 44A containing the details and signatures of at least twenty (20) nominators who are electors enrolled for the district that the candidate is contesting.

The forms must be lodged with the relevant RO together with a deposit of \$1,000 paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106 in the nomination kit folder).

4.5 Nomination deposit

The deposit lodged with a nomination will be returned to a candidate (or a person authorised to receive it), if:

- the candidate is elected; or
- the candidate receives more than 4% of the total number of formal 1st preference votes; or
- the candidate dies before polling day, in this case the deposit is returned to the candidate's personal representative; or
- the candidate withdraws their nomination before nominations close; or
- the election fails; or
- the election is declared void by a Court of Disputed Returns.

4.6 Withdrawal of nomination

A candidate may withdraw their nomination by advising the relevant RO in writing before the close of nominations. The nomination is then cancelled and the deposit refunded.

A nomination cannot be withdrawn once nominations have closed.

4.7 Electoral rolls for candidates

Upon request to ECSA after the Close of Nominations, a candidate may receive an up-to-date copy of the electoral roll in printed or electronic form (as determined by the Electoral Commissioner) for the district for which they have nominated.

Note: *If a copy of the roll is provided (under section 26 of the EA), a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than –*

- (a) *the carrying out of functions of a member of the Parliament of the State or the Commonwealth or a council constituted under the Local Government Act 1999 (SA), or*
- (b) *the distribution of matter calculated to affect the result of a State, Commonwealth or local government election or purposes related to the holding of such elections,*

*is guilty of an offence. [EA s26(5)]
(Maximum penalty: \$10,000).*

4.8 Death of a candidate

If a candidate dies after the nominations for an election for the House of Assembly have been declared and before polling day, the election will be taken to have wholly failed.

PART 5: Ballot papers

5.1 Ballot paper format

House of Assembly ballot papers are printed in a format prescribed by regulation.

They may contain political affiliations or other descriptive information relating to candidates, providing:

- an application is lodged before the close of nominations on the appropriate form; and
- it is considered acceptable by the Electoral Commissioner.

5.2 Names on ballot papers

A candidate must indicate on the nomination form how they wish their name to appear on the ballot paper.

As the printing of ballot papers takes place as soon as possible after the close of nominations and the ballot paper draw, *it is extremely important that candidates print their ballot paper name clearly on the nomination form to avoid any possible reproduction error.*

A candidate's ballot paper name may include a shortening of the name or any name by which the candidate is generally known eg:

- William Jones to be printed on ballot paper as: JONES Bill
- Beatrice Jones to be printed on ballot paper as: JONES Betty
- William Smith to be printed on ballot paper as: SMITH Snowy.

The surname will be printed in CAPITALS with the given name(s) printed below in Title Case.

If a candidate requires part of their surname to be shown in lower case, the candidate must clearly indicate their wishes on the nomination form eg:

- McMAHON (not MCMAHON)
- MacDONNELL (not MACDONNELL)
- De LAINE (not DELAINE)
- van der MEER (not VAN DER MEER).

5.3 Descriptive information on ballot papers

Endorsed party candidates

The descriptive information printed adjacent the name of an endorsed party candidate on the ballot paper is limited to:

- the registered party name; or
- the registered party abbreviation.

The registered officer of the party completes the descriptive information on form RO 40A which is lodged together with nomination forms RO 40B.

Independent candidates

An independent candidate not endorsed by a registered political party, must complete the appropriate section on nomination form RO 44 to have descriptive information printed adjacent their name on the ballot paper.

The descriptive information must commence with the word 'Independent' followed by not more than three additional words.

The additional words may not:

- contain the word 'Party'
- be obscene or frivolous
- constitute or so nearly resemble a distinctive aspect or part of the name of a parliamentary party or a registered political party, unless the applicant provides the Electoral Commissioner with a declaration that has been signed by a person authorised by the relevant parliamentary party or registered political party and states that the party consents to the use of the particular word or set of words.

For example, the underlined words constitute distinctive aspects or parts of the names of political parties:

- Australian Labor Party
- The Liberal Party of Australia
- The National Party of Australia

A description that does not meet the legislative requirements may be rejected.

If descriptive information is not provided, the word 'Independent' will be printed adjacent the candidate's name.

5.4 Order of names on ballot papers

The order in which the names of candidates are printed on the ballot papers is determined by lot as prescribed by regulation. This is carried out publicly by the RO for each district at their designated office, as soon as practicable after the close of nominations.

The procedure to be undertaken by each RO is as follows:

- declare the name and address (unless the address is suppressed) of every candidate nominated for the election in that district. Where an address is suppressed, the RO must instead declare the name of the House of Assembly electoral district in which that candidate resides;
- write each candidate's name on a separate piece of paper or card of identical size;
- place each completed card into a separate identical opaque envelope and then seal the envelope;
- place all sealed envelopes into a container and shuffle the envelopes; and
- draw out the envelopes one at a time from the container and announce the name of the candidate written on the card.

The order in which an envelope is drawn from the container determines the order of candidate names placed on the ballot paper. The first to be drawn being the first in the order, and so on, until the order has been determined.

5.5 Photographs

If any candidates have the same or similar names, the Electoral Commissioner may require photographs to be printed on the ballot paper. These would need to be supplied to the Electoral Commissioner as soon as possible and certainly within three days after the close of nominations [EA s64].

The photograph must:

- have been taken within the previous twelve months;
- be in black and white;
- be a full-faced vertical portrait of the candidate's head and shoulders;
- be at least 15 centimetres in length and 10 centimetres in width; and
- have written on the reverse side the full name of the candidate and a statement signed by the candidate to the effect that the photograph was taken within the prescribed period.

If a candidate fails to submit a conforming photograph within the timeframe allowed by the Electoral Commissioner, the candidate's nomination becomes void.

PART 6: Voting tickets

6.1 What is a voting ticket?

A voting ticket is a written statement of preferences, used to interpret the votes of electors who do not indicate a preference for all candidates on the HA ballot paper. Its purpose is to 'save' partially preferred ballot papers that would normally be informal and render them as formal.

If an elector fails to express a preference for all candidates on the ballot paper, but the preferences that are expressed are consecutive and follow the same order as displayed on a candidate's voting ticket, then the ballot paper is formal and is deemed to have followed all preferences recorded on the voting ticket.

The following example shows ballot papers that would be rendered formal if a voting ticket was lodged.

| Registered Voting Ticket | |
|----------------------------|--------------|
| Candidates | |
| <input type="checkbox"/> 3 | GREY, Rob |
| <input type="checkbox"/> 4 | WHITE, Anne |
| <input type="checkbox"/> 2 | BLUE, Steven |
| <input type="checkbox"/> 1 | PINK, Susan |
| <input type="checkbox"/> 5 | BROWN, Sam |

Incomplete ballot papers corresponding to a registered voting ticket are rendered formal

| Candidates | |
|----------------------------|--------------|
| <input type="checkbox"/> | GREY, Rob |
| <input type="checkbox"/> | WHITE, Anne |
| <input type="checkbox"/> | BLUE, Steven |
| <input type="checkbox"/> 1 | PINK, Susan |
| <input type="checkbox"/> | BROWN, Sam |

| Candidates | |
|----------------------------|--------------|
| <input type="checkbox"/> | GREY, Rob |
| <input type="checkbox"/> | WHITE, Anne |
| <input type="checkbox"/> 2 | BLUE, Steven |
| <input type="checkbox"/> 1 | PINK, Susan |
| <input type="checkbox"/> | BROWN, Sam |

| Candidates | |
|----------------------------|--------------|
| <input type="checkbox"/> 3 | GREY, Rob |
| <input type="checkbox"/> | WHITE, Anne |
| <input type="checkbox"/> 2 | BLUE, Steven |
| <input type="checkbox"/> 1 | PINK, Susan |
| <input type="checkbox"/> | BROWN, Sam |

6.2 Lodgement of voting ticket(s)

The EA allows candidates to lodge up to 2 voting tickets with ECSA within 72 hours after the close of nominations, providing the candidate has indicated their intention to lodge voting ticket(s) on the nomination form.

An independent candidate wishing to lodge voting ticket(s) must complete and submit form RO 45 to the RO or Electoral Commissioner.

A registered officer of a political party lodges voting tickets on behalf of endorsed candidates and must complete and submit forms RO 42. These forms are contained in booklet format and should be lodged with the Electoral Commissioner.

Each lodged voting ticket must:

- display the names of candidates in ballot paper order;
- commence with the number 1 for the candidate lodging the voting ticket or the candidate for whom the voting ticket is lodged; and
- indicate by consecutive numbers, an order of preference for all candidates contesting that election.

Example of form to be completed is shown below - it must indicate a preference for all candidates in the election.

| Voting Ticket Number 1 | | Voting Ticket Number 2 | |
|-------------------------------|--|-------------------------------|--|
| Indicate order of preferences | Indicate names of Candidates as they will appear on the ballot paper | Indicate order of preferences | Indicate names of Candidates as they will appear on the ballot paper |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |

PART 7: How-to-vote cards

A How-to-vote card is a card prepared by or on behalf of a candidate that indicates the manner in which a vote should be recorded by a voter.

Candidates need to be aware of the general provisions under the EA that relate to the distribution of how-to-vote cards during an election period and also the requirements of Sections 66 and 112A.

- Section 66 of the EA and Regulation 9 relates to how-to-vote cards submitted to the Electoral Commissioner for display in voting screens on polling day and printed in booklets for pre-poll voting centres
- Section 112A of the EA and Regulation 15 relates to any material that has the appearance of a how-to-vote card that is distributed or made available during the election period (whether published on its own or as part of any other material).

7.1 Section 66 how-to-vote cards

A candidate may submit a how-to-vote card to the Electoral Commissioner under Section 66 of the EA that will be used to prepare posters and booklets in polling booths and pre-poll voting centres.

The decision as to whether or not to lodge a how-to-vote card rests with the candidate, or in the case of a registered party, the party's registered officer.

If a candidate wishes to submit a how-to-vote card, two identical cards should be provided and must reach the Electoral Commissioner by no later than 4 days after nominations close.

The cards will be used to prepare:

- posters for display in ordinary voting screens at polling booths – reproduced in colour
- booklets for use in pre-poll voting centres, declared institutions and declaration vote issuing areas at polling booths – reproduced in black and white.

How-to-vote cards may be submitted electronically. If a candidate chooses to submit a how-to-vote card electronically, it must comply with the regulations and be submitted in PDF format.

As pre-poll voting centres open on Monday after nomination close, candidates are advised that booklets showing how-to-vote cards will not be available for use in centres until later in the week.

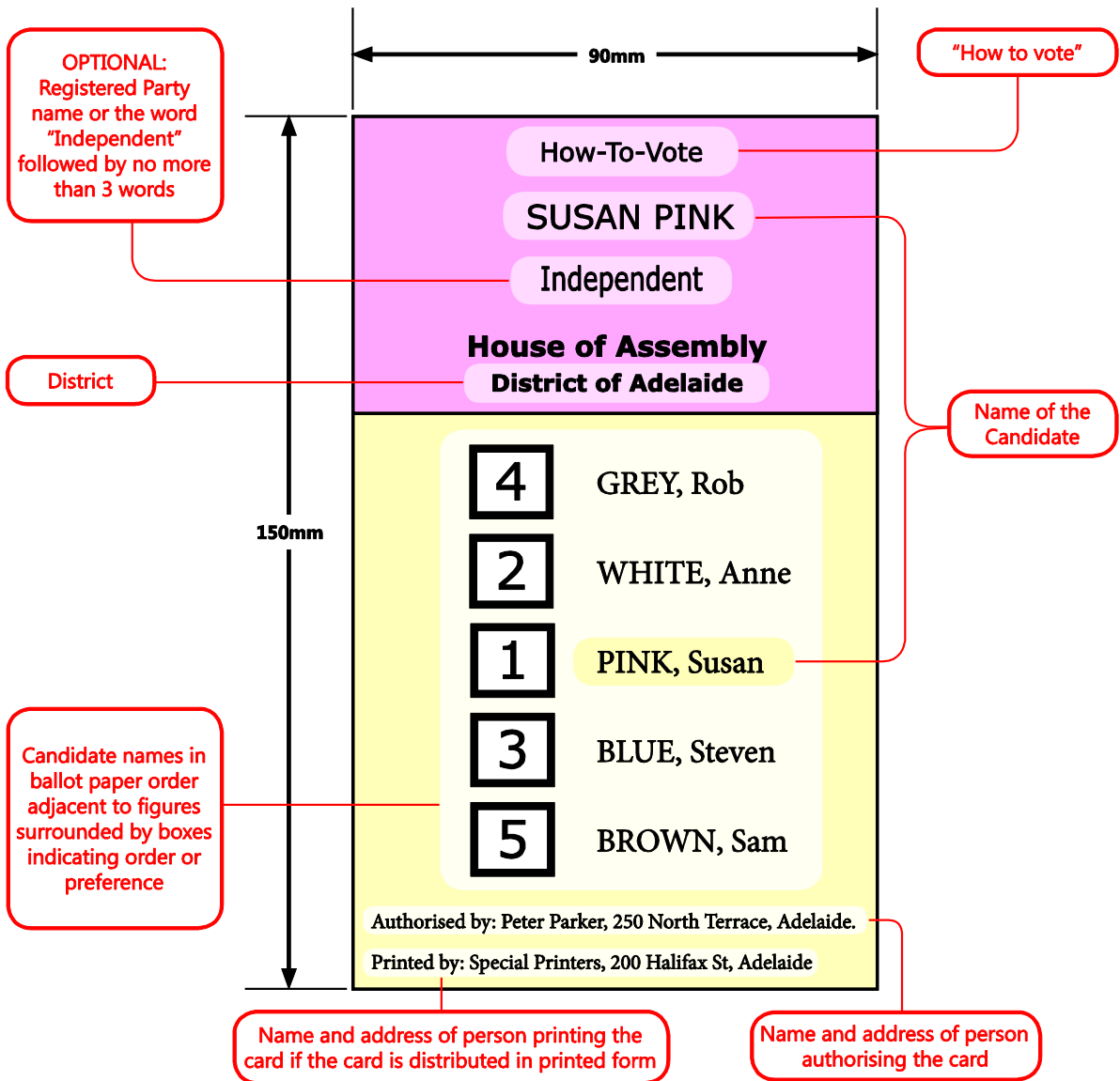
The how-to-vote cards will be displayed on the poster and in booklets in the same order as the names of candidates appearing on the ballot paper. If a candidate does not submit a how-to-vote card, a space of identical size will be provided for the candidate and the following wording will be printed, 'No How to Vote Card Lodged by *Surname, Given Name(s)*'.

Electoral Regulations - Regulation 9

Regulation 9 prescribes the requirements of how-to-vote cards that must be submitted under Section 66 of the EA. A copy of Regulation 9 is shown below.

- (1) For the purposes of section 66(2) of the Act, the following requirements apply to a how-to-vote card submitted for inclusion in posters under section 66(1)(a) of the Act -
 - (a) the card must:
 - (ii) if a candidate is contesting a seat in the House of Assembly, be no larger than 150 mm in length and 90 mm in width; and
 - (iii) contain the following information:
 - (A) the words 'how-to-vote';
 - (B) the name of the candidate, group of candidates or all candidates;
 - (C) the name and address of the person who authorised the card, which must appear at the bottom of the card (not being a post office box);
 - (D) if the card is to be distributed in printed form, the name and address of the printer;
 - (b) if the card relates to a House of Assembly election, the card must contain -
 - (i) the name of the district being contested; and
 - (ii) -
 - (A) immediately before the surname of all candidates contesting the election, numbers surrounded by a square indicating the order of preference the candidate recommends for each candidate; or
 - (B) if the candidate to whom the card relates has lodged a voting ticket under section 60A of the Act - immediately before the surname of that candidate, the number "1" surrounded by a square, together with a statement to the effect that the elector must express a preference for all other candidates as the elector sees fit;
 - ...
 - (d) the card may contain the following information:
 - (i) the name or an abbreviation of the name of the registered political party (or composite name if there is more than 1 such party) supporting the candidate or group of candidates;
 - (ii) in relation to a candidate or group of candidates, the description "Independent" or such description followed by not more than 3 words; and
 - (c) the card may be submitted in electronic form.
- (2) If in the opinion of the Electoral Commissioner it is necessary to do so, the Electoral Commissioner may, when preparing a poster for display in a polling booth, proportionately reduce the size of each how-to-vote card submitted for inclusion in the poster.
- (3) Except for the matters referred to in (1), no other matter may be contained on or otherwise appear on the card.

7.2 Section 66 how-to-vote card requirements



7.3 Section 66 how-to-vote card examples

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--------------|---|-------------|---|-------------|---|--------------|---|------------|---|---|---|-----------|---|---|-------------|---|---|-------------|---|---|--------------|---|---|------------|----|--|--|
| <p>How-To-Vote</p> <p>ANNE WHITE BEETS4SA</p> <p>House of Assembly District of Heysen</p> | <p>How-To-Vote</p> <p>ROB GREY NARWHAL JEWEL PARTY</p> <p>House of Assembly District of Light</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">4</td> <td style="padding-left: 10px;">GREY, Rob</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">WHITE, Anne</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">2</td> <td style="padding-left: 10px;">PINK, Susan</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">3</td> <td style="padding-left: 10px;">BLUE, Steven</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">5</td> <td style="padding-left: 10px;">BROWN, Sam</td> </tr> </table> <p style="font-size: 0.8em; margin-top: 10px;">Authorised and printed by: A. White, 125 Norwood Rd, Adelaide.</p> | 4 | GREY, Rob | 1 | WHITE, Anne | 2 | PINK, Susan | 3 | BLUE, Steven | 5 | BROWN, Sam | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="width: 10%; text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">GREY, Rob</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">3</td> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">4</td> <td style="padding-left: 10px;">WHITE, Anne</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">2</td> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">2</td> <td style="padding-left: 10px;">PINK, Susan</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">4</td> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">3</td> <td style="padding-left: 10px;">BLUE, Steven</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">5</td> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">5</td> <td style="padding-left: 10px;">BROWN, Sam</td> </tr> <tr> <td colspan="3" style="text-align: center; padding: 10px 0;">OR</td> </tr> </table> <p style="font-size: 0.8em; margin-top: 10px;">Authorised and printed by: Robert Grey for the NJP party 17 Laos St, Normanville.</p> | 1 | 1 | GREY, Rob | 3 | 4 | WHITE, Anne | 2 | 2 | PINK, Susan | 4 | 3 | BLUE, Steven | 5 | 5 | BROWN, Sam | OR | | |
| 4 | GREY, Rob | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | WHITE, Anne | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | PINK, Susan | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | BLUE, Steven | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | BROWN, Sam | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 1 | GREY, Rob | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 4 | WHITE, Anne | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 2 | PINK, Susan | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 3 | BLUE, Steven | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 5 | BROWN, Sam | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| OR | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

The examples below showing only the number 1 and instructing the elector to number the remaining candidates is ONLY allowable for candidates who have lodged a voting ticket under Section 60A of the EA.

This is to protect electors from casting an informal vote by numbering 1 only which would render their ballot paper informal should a voting ticket not be lodged.

| | | | | | | | | | | | | | |
|--|--|---------------------|--|---|-----------|---|-------------|---|-------------|---|--------------|---|------------|
| <p>How-To-Vote</p> <p>SAM BROWN INDEPENDENT</p> <p>House of Assembly District of Flinders</p> | <p>How-To-Vote</p> <p>STEVEN BLUE Industry Voices Party</p> <p>House of Assembly District of Elder</p> | | | | | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">BROWN Sam</td> </tr> </table> <p style="text-align: center; font-weight: bold; margin-top: 20px;">Then vote 2 to 5 for the other candidates according to your preference</p> <p style="font-size: 0.8em; margin-top: 10px;">Authorised by Sam Brown, 239 Whale Rd, Queenstown. Printed by JacuzziPRINT 141 Raymov St, Morgan.</p> | 1 | BROWN Sam | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">GREY, Rob</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">WHITE, Anne</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">PINK, Susan</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">BLUE, Steven</td> </tr> <tr> <td style="text-align: center; border: 2px solid black; font-weight: bold; font-size: 1.2em;">1</td> <td style="padding-left: 10px;">BROWN, Sam</td> </tr> </table> <p style="font-size: 0.8em; margin-top: 10px;">You must place consecutive numbers in the squares opposite the names of the remaining candidates so as to indicate your order of preference for all candidates.</p> <p style="font-size: 0.8em; margin-top: 10px;">Authorised and printed by: B. Steven for the IVP party 115 Nutella Rd, Adelaide.</p> | 1 | GREY, Rob | 1 | WHITE, Anne | 1 | PINK, Susan | 1 | BLUE, Steven | 1 | BROWN, Sam |
| 1 | BROWN Sam | | | | | | | | | | | | |
| 1 | GREY, Rob | | | | | | | | | | | | |
| 1 | WHITE, Anne | | | | | | | | | | | | |
| 1 | PINK, Susan | | | | | | | | | | | | |
| 1 | BLUE, Steven | | | | | | | | | | | | |
| 1 | BROWN, Sam | | | | | | | | | | | | |

7.4 Section 112A – special provisions relating to how-to-vote cards

Section 112A places restrictions on the form of how-to-vote cards that are distributed or made available (including in electronic form) during the election period. Candidates must observe the requirements under the Act and familiarise themselves with both Section 112A together with Regulation 15.

A how-to-vote card must not be distributed during the election period unless:

- it has been properly authorised; and
- the card has substantially the same appearance as a how-to-vote card that has been submitted to the Electoral Commissioner under Section 66; or
- the card has been lodged under Section 112A(1)(c)(i)(B) with the Electoral Commissioner no later than 12 noon on the day falling 8 days before polling day; or
- the card is a compilation of more than 1 how-to-vote card of a kind submitted under Section 66 or lodged under Section 112A to the Electoral Commissioner (provided they relate to different electoral districts).

A how-to-vote card lodged under Section 112A(1)(c)(i)(B) must be compliant with Regulation 15 under the Act.

If a how-to-vote card is lodged under Section 112A(1)(c)(i)(B) by or on behalf of a candidate, no further how-to-vote card may be lodged in relation to the same election by or on behalf of that candidate.

If a how-to-vote card is submitted to the Electoral Commissioner by or on behalf of a candidate under Section 66 (the *initial submitted how-to-vote card*), any how-to-vote card that is subsequently lodged under Section 112A(1)(c)(i)(B), must have substantially the same appearance as the initial submitted how-to-vote card.

How-to-vote cards will be taken to have substantially the same appearance if the cards are identical except for:

- the size or shape of the cards; or
- the fonts used in the cards; or
- the material or medium on which the cards are printed or published; or
- the manner in which the cards suggest that a voter indicate the order of preference for candidates on the ballot paper; or
- any other matter prescribed by the regulations for the purposes of this subsection.

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A how-to-vote card distributed by or on behalf of a candidate (the relevant candidate) will be taken not to have substantially the same appearance as –

- (a) the relevant candidate's initial submitted how-to-vote card under Section 66 (if any); or
 - (b) a how-to-vote card lodged under Section 112A (1)(c)(i)(B) by or on behalf of the relevant candidate,
- if –
- (c) the distributed how-to-vote card indicates that the first preference vote should be given to a different candidate from the relevant candidate or any other candidate indicated as a candidate to whom a first preference vote should be given on a how-to-vote card referred to in paragraph (a) or (b); and
 - (d) the relevant candidate has not given written notice at least 8 days before the card is distributed and in accordance with any other requirements of the regulations to the candidate to whom the distributed how-to-vote card indicates that the first preference vote should be given.

If the Electoral Commissioner is satisfied that a how-to-vote card has been distributed in contravention of the relevant section, the Electoral Commissioner may request that the person who authorised the card do either or both of the following:

- (a) immediately cease distributing, or causing or permitting the distribution of, the how-to-vote card
- (b) publish a retraction in specified terms and a specified manner and form, (and in proceedings for an offence against this section arising from the distribution of the how-to-vote card, the authorised person's response to a request under the subsection will be taken into account in assessing any penalty to which the person may be liable).

Electoral Regulations - Regulation 15

Regulation 15 prescribes the requirements of how-to-vote cards distributed during an election period for an election.

A how-to-vote card must not be distributed during the election period unless:

- the name (being the name by which the person is usually known) and address (not being a post office box) of the person who authorised the card appears at the bottom of the card; and
- if the card is authorised for a registered political party or a candidate endorsed by a registered political party, the party's name or, if the Register of Political Parties includes an abbreviation of the party's name, that abbreviation is stated on the card; or
- if the card is authorised for a candidate who is not endorsed by a registered political party, the candidate's name and the word 'candidate' is stated on the card.

OFFICIAL

The party's name or abbreviation of the party's name, or the candidate's name and the word 'candidate', must be printed on the how-to-vote card in readily legible type that is -

- (a) in the case of a card that is A6 size or smaller - not smaller than Arial font 10 points; or
- (b) in the case of a card that is larger than A6 size but smaller than A3 size - not smaller than Arial font 14 points; or
- (c) in the case of a card that is larger than A3 size - not smaller than Arial font 20 points.

- (3) For the purposes of section 112A(2)(a) and (b) of the EA, the following provisions apply to a how-to-vote card lodged under that subsection:
- (a) the card may be lodged in electronic form;
 - (b) the card must contain the following information:
 - (i) the words "how-to-vote";
 - (ii) if the card is lodged by or on behalf of a candidate or group of candidates - the name of the candidate, group of candidates or all candidates;
 - (iii) the name and address of the person who authorised the card, which must appear at the bottom of the card (not being a post office box);
 - (iv) if the card is to be distributed in printed form - the name and address of the printer;
 - (c) if the card relates to a House of Assembly election, the card must contain -
 - (i) the name of the district being contested; and
 - (ii) -
 - (A) immediately before the surname of all candidates contesting the election, numbers surrounded by a square indicating the order of preference the candidate recommends for each candidate; or
 - (B) if the candidate to whom the card relates has lodged a voting ticket under section 60A of the EA that is identical to a card submitted by or for the candidate under section 66 of the EA - immediately before the surname of that candidate, the number "1" surrounded by a square, together with a statement to the effect that the elector must express a preference for all other candidates as the elector sees fit;

Note:

Section 126 of the EA states:

- (1) A person must not publicly advocate that a voter should mark a ballot paper otherwise than in the manner set out in section 76(2)
- (2) A person must not distribute how-to-vote cards in relation to an election unless each card is –
 - a) marked so as to indicate a valid vote in the manner prescribed in Section 76(2); or
 - b) identical to a card submitted for inclusion in posters under Section 66; or
 - c) identical to a card permitted to be distributed under Section 112A.

Maximum Penalty: \$2,500

- (3) A person must not publicly advocate that an elector may exercise their vote in a manner inconsistent with the provisions of this Act relating to the manner in which an elector may exercise a vote.

Maximum Penalty: \$2,500

- (4) It is a defence to a charge of an offence against subsection (3) to prove that acts alleged to constitute the offence arose from an honest and reasonable misunderstanding or mistake on the part of the defendant.

Section 112B(1a): A person must not publish or distribute an electoral advertisement or a how-to-vote card that identifies a candidate by use of the word "Independent" if the candidate is endorsed by a registered party.

Maximum Penalty: \$5,000

Section 112A how-to-vote card examples

How-to-vote card includes any material that has the appearance of a how-to-vote card (whether published on its own or as part of any other material).

The diagram illustrates a how-to-vote card example. The card is titled "How-To-Vote" and lists the candidate "ANNE WHITE" with the party name "BEETS4SA". It specifies the "House of Assembly" and "District of Heyesen". The card lists five candidates with their corresponding numbers in boxes: 4 GREY, Rob; 1 WHITE, Anne; 2 PINK, Susan; 3 BLUE, Steven; and 5 BROWN, Sam. The card also includes the text "Authorised by: Anne White for BEETS4SA PARTY" and "125 Norwood Rd, Adelaide." and "Printed by: Alleyways Prints, 66 Hayman Ln, Croydon.".

Annotations:

- Other material
- How-to-vote card
- S112A(1)(b)(i) requirement for registered political party: registered party name or registered abbreviation
- Area of card equivalent to: A6 or smaller, A6 to A3, Larger than A3
- Type no smaller than Arial size: 10 point, 14 point, 20 point

| Area of card equivalent to | Type no smaller than Arial size |
|----------------------------|---------------------------------|
| A6 or smaller | 10 point |
| A6 to A3 | 14 point |
| Larger than A3 | 20 point |

How-To-Vote

ROB GREY

NARWHAL JEWEL PARTY

House of Assembly

District of Light

1

3

2

4

5

1

4

2

3

5

GREY, Rob

WHITE, Anne

PINK, Susan

BLUE, Steven

BROWN, Sam

OR

Authorised by: Robert Grey for the NJP party
17 Laos St, Normanville.
Printed by: Mario Presses, 12 Gasby St, Klenmoore Park

S112A(1)(b)(i) requirement
for registered political party:
registered party name or
registered abbreviation

Other
material

Area of card
equivalent to

Type no smaller
than Arial size

A6 or smaller
A6 to A3
Larger than A3

10 point
14 point
20 point

How-to-vote
card surrounded
by other material

s112A (1)(b)(ii)
requirement
for unendorsed
candidates: name
and the word
"Candidate"

Other
material

How-To-Vote

SAM BROWN

INDEPENDENT

House of Assembly

District of Flinders

1

BROWN

Sam

Then vote 2 to 5 for
the other candidates
according to your
preference

Authorised by Sam Brown, Candidate, 239 Whale Rd, Queenstown.
Printed by JacuzziPRINT 141 Raymov St, Morgan.

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PART 8: Electoral advertising

8.1 Provisions relating to electoral advertising

Outlined in the following table are a number of restrictions placed on advertising during and outside of an election period. Candidates need to be aware of the legislation covering electoral advertisements, commentaries and other material and must familiarise themselves with Part 13 Division 2 of the EA.

In this section:

- an electoral advertisement means ‘an advertisement containing electoral matter’;
- electoral matter means ‘matter calculated to affect the result of an election’.

Publication of electoral advertisements
EA ss112(1),(2).

A person must not publish or distribute, or cause or permit to be published or distributed, an electoral advertisement in printed form or through electronic publication on the internet unless:

- the name (being the name by which the person is usually known) and address (not being a post office box) of the author, or the person authorising its publication, appears at the end; and
- if the advertisement is authorised for a registered political party or a candidate endorsed by a registered political party, the party's name or, if the Register of Political Parties includes an abbreviation of the party's name, that abbreviation appears at the end; and
- if the advertisement is authorised for a relevant third party, the relevant third party's name appears at the end; and
- in the case of an electoral advertisement that is printed but not in a newspaper, the name and place of business of the printer, appears at the end.

This does not apply to:

- a car sticker, T-shirt, lapel button or badge, pen, pencil or balloon; or
 - an electoral advertisement consisting of a letter or leaflet that carries the signature and the name and address (not being a post office box) of its author and is not printed -
 - by a person who carries on the business of printing or a business a significant part of which involves printing; or
 - by or on behalf of a person who publishes a newspaper, magazine, periodical or similar publication.
-

Special provision relating to how-to-vote cards
EA s112A

Refer to Part 7 – How-to-vote cards

**Certain descriptions
not to be used**

EA s112B

A person must not publish or distribute an electoral advertisement or a how-to-vote card that identifies a candidate –

- by reference to the registered name of a registered political party or a composite name consisting of the registered names of 2 registered political parties; or
- by use of the word or set of words containing the word “Independent” and; the name or abbreviation or acronym of the name, of a parliamentary party or a registered political party; or matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a registered political party that the matter is likely to be confused with or mistaken for that name or abbreviation or acronym; or
- by the use of a word or set of words that could not be, or may not be able to be, registered as the name, or as part of the name, of a political party under Part 6 because of the operation of section 42(3)(b)
unless -
 - the candidate is endorsed by the relevant parliamentary party or registered political party; or
 - the relevant parliamentary party or registered political party has consented to the use of the relevant name or names or word or words.
- a person must not publish or distribute an electoral advertisement or a how-to-vote card that identifies a candidate by use of the word “Independent” if the candidate is endorsed by a registered party.

**Misleading
advertising**

EA ss113(1),(2),(4)

A person who authorises, causes or permits the publication of an electoral advertisement by any means (including radio or television) is guilty of an offence if the advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

If the Electoral Commissioner is satisfied that an electoral advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Electoral Commissioner may request the advertiser to do one or more of the following:

- withdraw the advertisement from further publication;
- publish a retraction in specified terms and a specified manner and form.

**Headings to
electoral
advertisements**

EA s114

If electoral matter is published in written form (whether for sale or without charge) in a newspaper, magazine or other periodical, or in an electronic publication on the internet, the publisher of the matter must ensure the word ‘Advertisement’ is included as a headline to each article or paragraph containing the electoral matter.

If the matter is published in a newspaper, magazine or other periodical, the headline must be in letters not smaller than 10 point or long primer.

If the matter is published in an electronic publication, the headline must be in letters of a size that will be readily legible.

**Size of electoral
Advertise-ments**

EA s115

ER reg16(a)

No electoral advertisement more than 1 square metre in area can be exhibited on:

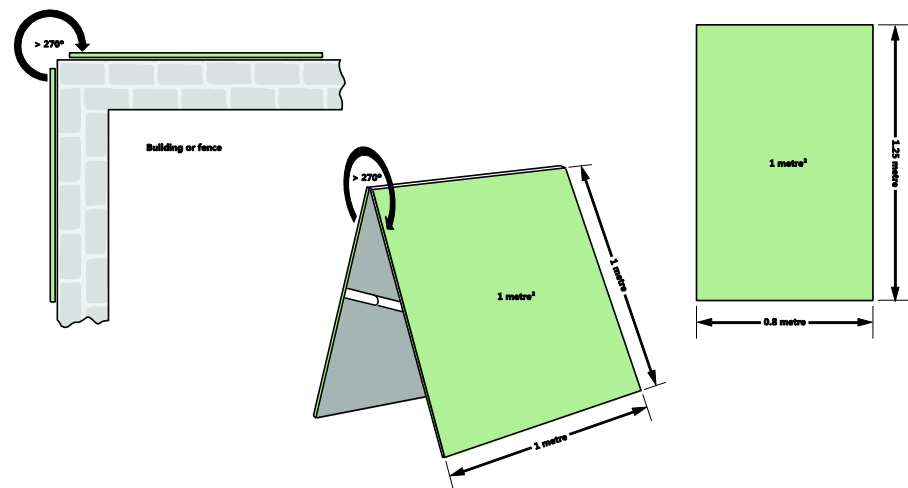
- a vehicle or vessel; or
- a building, hoarding or other structure eg fences.

If two or more electoral advertisements are placed within one metre of each other, and exhibited on behalf of the same candidate or political party, they will be taken to be a single advertisement.

However, if such advertisements are displayed on different surfaces which interface at an angle of 270° or more, then they are not considered to be a single advertisement (see diagram below).

The following diagram refers to the exhibition of electoral advertisements as clarified by *ER reg16(a)*.

Clarification of exhibition of electoral advertisements in relation to ER reg16



Note:

An electoral advertisement more than 1 square metre in area may be projected on a screen at a theatre (including a drive-in theatre).

There is no restriction on the size of advertisements which contain the name of a candidate and/or a political party if they are displayed at or near an office or committee room of that candidate or political party; however they must not be posted within 100 metres of the entrance to a polling booth.

Automated political calls

EA s115A

A person must not make, or cause or permit the making of, a telephone call consisting of a pre-recorded electoral advertisement unless, immediately after that part of the call consisting of the advertisement, the following statements are made:

(a) the name and address (not being a post office box) of the person who is making, or who authorises the making of, the call;

(b) if the call is authorised for a registered political party or a candidate endorsed by a registered political party—the name of the political party;

(c) if the call is authorised for a relevant third party—the name of the relevant third party.

Maximum penalty:

(a) if the offender is a natural person—\$5 000;

(b) if the offender is a body corporate—\$10 000.

Relevant third party means an organisation or other person, other than a registered political party, candidate or natural person, who—

(a) as at the day on which the call to which subsection (1)

relates is made, intends to spend more than \$2 000 on electoral advertisements—

(i) if the call is made in an election period—during that election period; or

(ii) in any other case—during the election period for the next general election due to occur; or

(b) spent more than \$2 000 on electoral advertisements during the election period for the general election immediately preceding the day on which the call to which subsection (1) relates is made.

| | |
|--|---|
| <p>Published material to identify person responsible for political content <i>EA s116</i></p> | <p>During an election period, any person publishing material (either in written form or on radio or television) containing comments about any candidate, political party or election issue, is required to identify, by name and address, the person taking responsibility for the publication. The address must not be a post office box.</p> <p>This provision does not apply to:</p> <ul style="list-style-type: none"> ▪ leading articles published in a journal (<i>journal</i> means a newspaper, magazine or other periodical); ▪ the publication of a report of a meeting that does not contain any comment (other than comment made by a speaker at the meeting) on any candidate, or political party, or the issues being submitted to electors; ▪ the publication in a journal of an article, letter, report or other matter if the journal contains a statement to the effect that a person whose name and address (not being a post office box) appears in the statement takes responsibility for the publication of all electoral matter published in the journal; ▪ the publication of a letter (other than in a journal) provided it contains the name and address (not being a post office box) of the author of the letter; ▪ news services and current affairs programs on radio and television; and ▪ any other prescribed material or class of material. |
| <p>Political gatherings <i>ER reg16(b)</i></p> | <p>An electoral advertisement of any size may be exhibited at a political gathering eg a press conference, meeting, campaign launch or rally, fête, dinner, garden party, ball, barbecue provided that:</p> <ul style="list-style-type: none"> ▪ the gathering is organised by, on behalf of or for, a registered political party or a candidate at a Legislative Council or House of Assembly election; and ▪ the advertisement is exhibited: <ul style="list-style-type: none"> ▪ immediately before, during or after such a gathering; and ▪ for a period or periods not exceeding 24 hours. |
| <p>Moveable signs and removal of <i>LGA ss226, 227</i></p> | <p>Check local government by-laws or guidelines relating to the design, display and removal of election signage.</p> <p>Council consent must be obtained before any signs can be attached or erected on property under the care and control of a Council.</p> |

8.2 Ban on political advertising broadcasts

In accordance with Schedule 2 of the *Broadcasting Services Act 1992*, a political advertising broadcast ban prohibits registered political parties and independent candidates from engaging in advertising broadcasts from midnight on the Wednesday before polling day and ends at 6pm on polling day.

PART 9: Scrutineers

9.1 Role of scrutineers

Scrutineers are an important part of the election process and are appointed by candidates to represent them during polling and throughout the various stages of counting ballot papers.

A scrutineer:

- is appointed to act as an independent observer of the electoral processes for the polling, scrutiny and counting of votes in an election;
- verifies that the procedures undertaken by electoral officials are fair, proper and according to law; and
- has legal rights and obligations under the EA.

A scrutineer **must** address any query or concern to the officer-in-charge of proceedings and not to other election officials. An officer-in-charge may be an electoral visitor or mobile polling team leader, a polling booth manager (PBM) at a polling booth or the RO at the scrutiny and official count of ballot papers after polling day.

If a scrutineer's conduct is in any way disorderly or they fail to obey lawful directions, the officer-in-charge may ask the scrutineer to leave the polling or scrutiny location.

A Protocol for Scrutineering has been developed and has been included in the Scrutineer Guide.

9.2 Appointment of scrutineers

A candidate may appoint up to two scrutineers to represent them at a polling booth or count centre to observe procedures.

Forms for appointment are included in nomination kits provided to candidates and may also be downloaded from ECSA's website. An appointment must:

- be in writing;
- contain the name and residential address of the scrutineer; and
- be signed by the candidate.


A scrutineer must hand their completed appointment form to the officer-in-charge on arrival at the polling location or counting centre. As electoral officials have no means to check the bona fide of a scrutineer, identification such as a driver's licence should be carried by the scrutineer.

On receipt of the completed form, the scrutineer will be issued with an orange coloured lanyard and identification badge that must be worn at all times during the scrutiny activity.

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A candidate must complete a separate appointment form for each scrutiny activity that is held at a different venue (ie polling day and post polling day). A scrutineer attending the same venue over a number of days requires only one appointment form (ie attending an ROs office for post polling day scrutines and counts).

An example of Appointment of Scrutineer Form RO 59 is shown below.

|  | | Appointment of Scrutineer | | RO 59 |
|---|---|----------------------------------|--|--------------|
| To the Electoral Officer in Charge of proceedings | | | | |
| Candidate to Complete | | | | |
| <input type="text"/> | | <input type="text"/> | | |
| Surname | | Given Names(s) | | |
| As a candidate contesting an election in the: | | | | |
| <input type="checkbox"/> | House of Assembly District of: <input type="text"/> | | | |
| <input type="checkbox"/> | Legislative Council | | | |
| I hereby appoint the person named below to represent me at the following electoral venue: | | | | |
| (Tick ✓ one box only) | | | | |
| <input type="checkbox"/> | Polling Booth | <input type="text"/> | | |
| | | Name of Polling Booth | | |
| <input type="checkbox"/> | Central Processing Centre | | | |
| <input type="checkbox"/> | Declared Institution | | | |
| <input type="checkbox"/> | Returning Officer's Office | | | |
| <input type="text"/> | | <input type="text"/> | | |
| Signature | | Date | | |
| Scrutineer to Complete | | | | |
| I declare that I will not | | | | |
| <ul style="list-style-type: none">• act as an assistant or attempt to influence an elector while they are voting• divulge any knowledge of how any elector has voted | | | | |
| <input type="text"/> | | <input type="text"/> | | |
| Surname | | Given Names(s) | | |
| <input type="text"/> | | | | |
| Residential Address | | | | |
| <input type="text"/> | | | | |
| Name of substitute scrutineer (only complete if required in your temporary absence) | | | | |
| <input type="text"/> | | <input type="text"/> | | |
| Signature | | Date | | |
| Note: A separate appointment form must be completed when attending more than one electoral venue | | | | |

A scrutineer may enter or leave a polling booth or count centre at any time. A scrutineer who intends to be temporarily absent from proceedings may appoint a substitute by completing the section at the bottom of the form.

9.3 Where can scrutineers act?

Scrutineers may observe proceedings at any venue where ballot material is issued, counted or processed by electoral officials. These venues include:

- declared institutions that have been gazetted to receive visits from electoral officials (ie hospitals, nursing homes, low risk corrective institutions etc)
- ECSA Central Processing Centre (CPC) to witness:
 - the receipt of postal vote application forms and issue of ballot material
 - the receipt of pre-poll and polling day declaration votes and despatch to ROs
- pre-poll voting centres;
- mobile polling booths in remote locations;
- polling booths; and
- office of the district RO to observe the processing of declaration vote envelopes and the scrutiny and count of House of Assembly ballot papers.

9.4 Scrutineer Guide

Detailed information concerning the rights, duties, powers and functions of scrutineers is contained in the Scrutineer Guide. A copy of the guide is included in nomination kits and is also available at www.ecsa.sa.gov.au

PART 10: Voting facilities

ECSA provides a range of services and facilities that allows electors to vote prior to and on polling day. These services and facilities include:

- pre-poll voting centres;
- declared institutions;
- mobile polling booths (in remote areas only);
- postal voting; and
- polling booths.

10.1 Pre-poll voting centres

Pre-poll voting centres are established in metropolitan and country areas to accommodate electors who are unable to attend a polling booth on polling day.

The centres may commence issuing declaration votes as soon as practicable after the close of nominations, when ballot papers are available, and must cease on the Friday before polling day.

Pre-poll voting centres only issue votes to electors who attend in person, they are not authorised to issue votes by post.

The location of pre-poll voting centres are published in 'The Advertiser' after the issue of the writ and also shown on ECSA's website.

Pre-poll declaration voting papers are issued in person at:

- selected venues in metropolitan and country South Australia;
- the head offices of other State and Territory electoral administrations; and
- the office of the South Australian Agent-General in London and a number of other selected overseas locations.

A party worker or a representative of a candidate can hand out how-to-vote material at a pre-poll centre but this must be undertaken outside the six metre limit.

10.2 Declared institutions

The Electoral Commissioner may, by notice in the Government Gazette, declare the whole or part of an institution, such as a hospital, nursing home, prison or other place of confinement, to be a declared institution in order to issue votes to electors who are unable to attend a polling booth.

OFFICIAL

Electoral visitor teams are appointed by ROs and work in pairs. The team usually operates between 9am and 5pm during the week preceding the election, but may operate on polling day up until 6pm. The team may set up a room within the venue to issue votes or they may move around the venue from room to room.

Details of the scheduled visits will be provided to candidates by the relevant RO.

Contrary to procedures applying at federal elections, electoral visitors only issue declaration votes and are not authorised to issue ordinary votes.

Those persons entitled to receive voting material from electoral visitors include:

- persons residing at the declared institution;
- (where time permits) declared institution staff members that are caring for residents who are ill, infirm or disabled and would be precluded from attending a polling booth on polling day; and
- (where time permits) other declared institution staff members who are working throughout the hours of polling and could not reasonably be expected to be absent from work for the purpose of voting.

Persons allowed to be present when ballot papers are issued include:

- electoral visitors;
- the elector who is voting or a person nominated by the elector to assist the elector to vote;
- duly appointed scrutineers; and
- any person required by the institution to be in attendance on medical/safety grounds.

No more than two scrutineers for each candidate may accompany electoral visitors while they perform their duties.

Note: It is an offence for any person to encourage two or more inmates of a declared institution to apply by post for the issue of declaration voting papers [EA s83(6)].

This program will likely be impacted by COVID-19 restrictions. As circumstances change, information will be provided on the ECSA website.

10.3 Mobile polling booths (remote areas)

Remote areas of the State are visited by electoral officials during the twelve days up to and including polling day to provide in-person voting facilities for electors who are at a considerable distance from a polling booth.

The mobile polling booth operates in the same way as a polling booth on polling day however the duration of the visit in each locality varies and can range between 1 and 5 hours.

OFFICIAL

Mobile polling locations and times are published in 'The Advertiser' and local print media and are displayed prominently in the areas to be visited by mobile polling teams. A schedule is also available from ECSA.

The Electoral Commissioner may alter the times or places for mobile polling providing a notice of the alteration is published in a newspaper circulating generally throughout the State (or a local paper), no later than the day before the date fixed for polling. If there is no such newspaper, the Electoral Commissioner must take such steps as are reasonably practicable to inform electors in the area.

Candidates, if possible, will be informed of any changes to the scheduled date and time for polling.

10.4 Postal voting

An elector precluded from attending a polling booth on polling day may apply to receive their ballot material by post. Application forms are available at post offices and may be downloaded from ECSA's website.

In certain circumstances where an elector is qualified, they may apply to be included on the register of declaration voters (RDV). Persons accepted on the register are not required to make a further application and ballot material is automatically forwarded to them after the close of nominations.

The issuing of ballot material by post is undertaken centrally at a venue known as the central processing centre (CPC). The CPC only issues ballot papers to entitled electors whose application is received by 5pm on the Thursday immediately preceding polling day.

An elector voting by post must record their vote prior to 6pm on polling day in the presence of an authorised witness. Postal declaration envelopes must reach the district returning officer within 7 days from the close of poll.

Note:

A candidate cannot act as an authorised witness for a person completing a postal declaration vote [EA s4(1)].

A person, other than a person authorised by the Electoral Commissioner, must not distribute, or cause or permit to be distributed, a form for the application by an elector for the issue of declaration voting papers (an **application form**) unless—

- the application form is in the prescribed form; and
- it is stated on the form that it must be returned directly to the Electoral Commissioner; and
- no additional information or matter appears on the form or on the reverse side of the form.

[EA ss74A(1),(2)].

10.5 Polling booths

ECSA in conjunction with district returning officers are responsible for establishing sufficient numbers of polling booths across the state to cater for electors voting on polling day. This may range from 8 booths in a metropolitan district to approximately 30 booths in a country district.

There are also a number of locations throughout the State where either two or three polling booths for adjoining districts are established at a common location. These booths are known as 'shared location polling booths' and can issue ordinary votes for each of the adjoining districts, therefore reducing the incidence of declaration voting.

The locations of polling booths are published on ECSA's website and in 'The Advertiser' during the week immediately preceding, and on, polling day.

An elector is entitled to vote at any polling booth but is encouraged to vote in a booth within their enrolled district to record an ordinary vote. Electors are sent information early in the election period that includes the location of district polling booths and an EasyVote card (or Digital EasyVote Card App if they chose to sign up) that displays the elector's enrolled address, district name and roll number.

EasyVote cards or Digital EasyVote Card Apps are presented by electors at polling booths and assist electoral officials when determining voting entitlements and conducting roll searches to mark the certified list.

Depending on the elector's enrolment and the booth they attend, an elector is entitled to record an ordinary vote or a declaration vote.

An **ordinary vote** is issued to an elector who is enrolled at an address in the district for which the polling booth has been established and whose name has not previously been marked on the certified list.

A **declaration vote** is required when:

- an elector chooses to vote at a polling booth which is not in their enrolled district (absent vote); or
- an elector's name cannot be found on the certified list or look-up device and they insist that the omission is the result of an official error; or
- an elector appears to have voted already because the certified list of electors has been marked; or
- an elector's address has been suppressed from publication on the roll.

Polling booths are open between 8am and 6pm and any elector inside a booth at 6pm is entitled to vote.

Note:

A candidate must not take part in the conduct of an election and must not personally solicit the vote of any elector on polling day [EA s117]. A candidate must not act as an assistant at a polling booth by assisting an elector to vote [EA s80(4)].

PART 11: Election night counts

Ordinary vote ballot papers lodged by electors voting at polling booths within their own district on polling day are counted by electoral officials at the polling booth following the close of voting at 6pm. These preliminary results are sent to each RO and ECSA.

House of Assembly (HA) ballot papers are scrutinised before Legislative Council (LC) ballot papers.

The order of proceedings at scrutiny is:

- count of HA ballot papers;
- count of HA ballot papers that may be formal because of candidates' voting tickets;
- two candidate preferred count (notional distribution of HA preferences); and
- count of LC ballot papers.

Note: *Depending upon staff availability, more than one count may be undertaken at the same time.*

11.1 Count of HA ballot papers – 1st preferences

Preferential voting requires an elector on the HA ballot paper to:

- write the number 1 (a 1st preference) in the voting square next to the elector's most preferred candidate;
- continue to number the rest of the voting squares with consecutive numbers (2, 3, 4 etc) in the elector's order of preference.

The count of ordinary votes begins as soon as practicable after the poll closes at 6pm on polling day. When the ballot box seals are broken, the ballot papers are removed from the ballot box and checked for formality. Any informal or undetermined ballot papers are set aside.

The formal ballot papers are then sorted into separate candidate bundles according to the first preference vote. The ballot papers for each candidate are counted and then rechecked to ensure the totals are correct and each ballot paper has been allocated to the correct candidate.

The total 1st preference vote figures for each candidate are recorded.

Any ballot paper that cannot be determined by the PBM is placed into the undetermined bundle for a determination by the RO at the official recheck on Sunday.

11.2 Undetermined HA ballot papers that may be formal

Candidates and political parties understandably wish to know, on polling night, approximately how many informal/undetermined HA ballot papers may subsequently become formal because of the existence of voting tickets.

Polling booth staff are instructed to:

- assume that all candidates have lodged voting tickets (though they are not provided with any details);
- extract from the informal/undetermined ballot papers those containing only the figure 1, or a ✓ or an X against the name of a candidate; and
- add the ballot papers containing only the number 1, or a ✓ or an X (tentatively considered to be a formal vote for a candidate) to the total number of formal 1st preference votes previously counted for each candidate. These cumulative totals are telephoned to the relevant RO who will transmit them to ECSA.

Note: *The ROs will subsequently review all informal/undetermined ballot papers to determine those which are compliant with voting ticket details.*

11.3 Two candidate preferred (2CP) count

A 'notional' distribution of preferences to two identified candidates provides a useful indication on polling night of the likely result of the election. The identified candidates are chosen by the Electoral Commissioner as being the most likely to remain in the count after the official distribution of preferences.

Preferences on the ballot papers of the other candidates (considered more likely to be excluded from the count), are examined and notionally distributed to the identified candidates. The order of the preferences on these ballot papers can indicate who is more preferred by electors and therefore likely to be elected.

OFFICIAL

The procedure for the two candidate preferred count is as follows:

1. Ballot papers for two candidates A and B (as notified to the PBM) are put to one side.
2. The number of first preference votes obtained by each of those candidates is entered on a tally sheet.
3. Ballot papers for all other candidates are examined, candidate by candidate. Each ballot paper is allocated to whichever of the two identified candidates has the lower preference number marked opposite their name eg:
 - the two identified candidates are A and B;
 - a ballot paper in C's bundle contains a 3rd preference for A and a 5th preference for B;
 - that ballot paper is attributed to candidate A.
4. After all ballot papers of candidate C are examined and sorted in favour of candidate A or B, the totals are entered on the tally sheet.
5. Candidate C's ballot papers are then re-bundled and set aside.
6. The above procedures are repeated for any remaining candidates.
7. The number of preferences allocated to candidates A and B on the result sheet are totalled and then telephoned to the RO.

Note: This exercise does not include ballot papers marked with the number 1 or a tick or a cross that may later be made formal as a consequence of voting tickets.

11.4 The LC preliminary scrutiny

A preliminary scrutiny and count of all LC ballot papers from electors voting within their district takes place on polling night. Ballot papers are sorted by 1st preference votes for groups with voting squares Above-the-Line on the LC paper and preferential votes below-the-line.

Obviously informal ballot papers are set aside.

At the end of polling night, House of Assembly and Legislative Council ballot materials are packaged and returned to the RO for further checking.

PART 12: Post-election day counting

At all times during the processing of declaration vote envelopes and the scrutiny and count of ballot papers, candidates can be represented by scrutineer(s). The relevant RO will advise candidates a schedule of dates and times for scrutiny proceedings.

12.1 HA recheck and two party preferred (2PP) count

On the Sunday immediately following polling day, House of Assembly ballot papers from electors voting within their district the previous day (ordinary votes) are rechecked in the district office.

A RO may reverse any decision taken at a polling booth in relation to the formality of ballot papers.

Each RO is required to:

- conduct a fresh scrutiny and recount of all HA ballot papers on a booth by booth basis and ensure all ballot papers have been correctly allocated;
- reassess all ballot papers placed in informal/undetermined bundles and determine whether any ballot paper can be accepted as formal in light of a voting ticket lodged by a candidate; and
- conduct a notional two party preferred (Labor/Liberal) count for each polling booth. This information is required by the Electoral Districts Boundaries Commission in order to reassess the boundaries of electoral districts after each general election.

12.2 Declaration vote counts

Declaration vote envelopes are received and processed at different times throughout the voting period but no envelope is opened until after polling day.

Declaration vote envelopes issued by post are returned directly to ROs by electors and these are received prior to polling day and can be accepted up to 7 days afterwards. Pre-poll voting and polling day declaration vote envelopes are sent to ECSA's central processing centre where they are checked and sorted prior to their distribution to RO offices.

The RO will conduct a number of HA declaration vote counts during the week and will commence after polling booth rolls have been scanned and data checked to ensure the elector has not recorded an ordinary vote at a polling booth on polling day.

The scrutiny and count process of declaration vote ballot papers is no different to the process undertaken at the Sunday recheck and each declaration count will include a formality check, voting ticket assessment and a two party preferred count.

12.3 Distribution of preferences

On the Sunday 8 days after polling day, ordinary and declaration formal ballot papers are grouped together for each candidate and preferences are distributed until only two candidates remain in the count. Each RO is required to:

- group the HA ballot papers from polling booths and declaration vote counts into individual candidate packages;
- group similar bundles of voting ticket ballot papers together for each candidate; and
- undertake the final distribution of preferences.

A candidate needs to obtain an absolute majority of total formal votes cast (i.e. more than 50%) in order to be elected. Having determined the total 1st preferences for each candidate, the RO must distribute preferences until only two candidates remain in the count.

At the first count, regardless of whether any candidate has more than 50% of the formal votes cast, the candidate with the least number of 1st preference votes is excluded and the 2nd preferences on that candidate's ballot papers are distributed to candidates remaining in the count.

The process continues through successive counts of remaining candidate's formal ballot papers until only two candidates remain. Depending on the number of counts required, some ballot papers of candidates are distributed to their 3rd, 4th or further preferences.

If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the RO must decide by lot which are to be excluded.

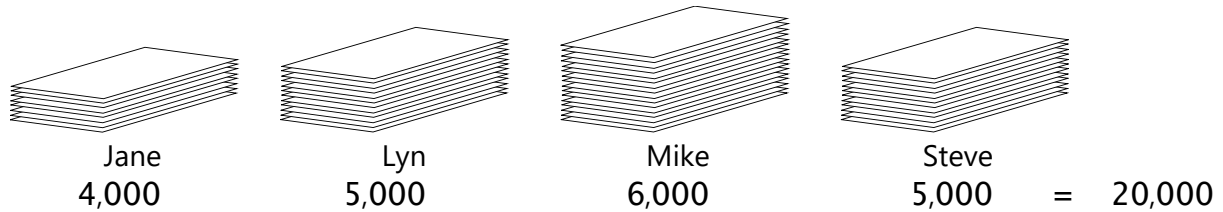
If in the final count, two candidates have an equal number of votes the matter is referred by the Electoral Commissioner to the Court of Disputed Returns. The Court must determine the validity of any disputed ballot papers to resolve the deadlock, but if not, order a fresh election.

12.4 How preferences work in the House of Assembly

Full Preferential Voting

Jane, Lyn, Mike, and Steve stand for election.

They receive the following formal 1st preference votes:

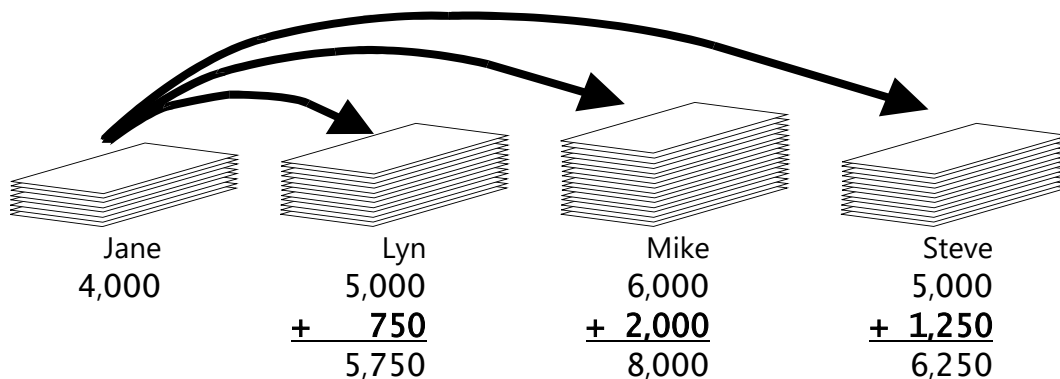


There are a total of 20,000 formal votes. To be elected a candidate needs an absolute majority (50% plus 1 of the formal vote)

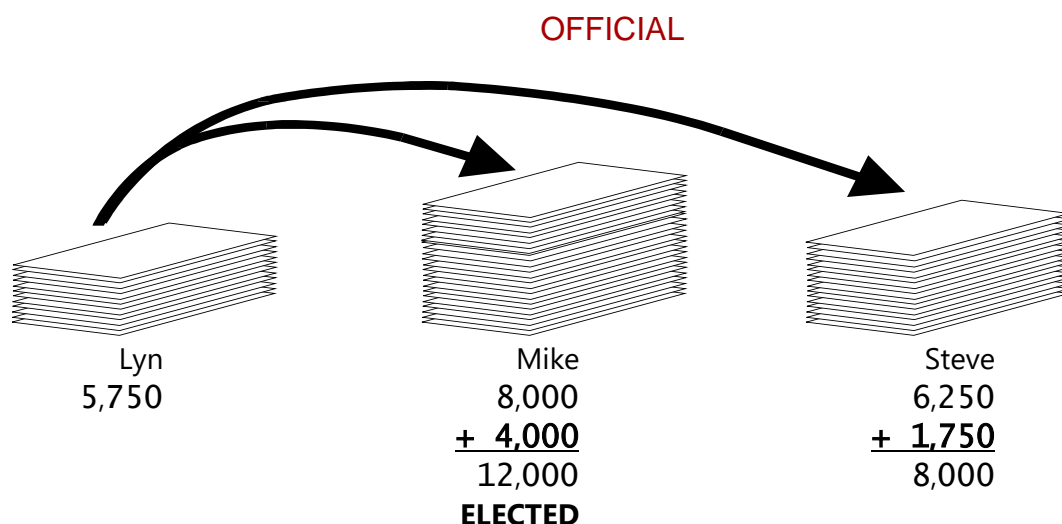
$$\frac{20,000}{2} + 1 = \mathbf{10,001 \text{ votes}}$$

As none of the candidates has gained an absolute majority of the votes at this first count, the candidate with the least number of votes (Jane) is excluded and her ballot papers are transferred to the other candidates according to which candidate was allocated the number 2 (2nd preference).

Jane's votes are transferred as follows:



Neither Lyn, Mike, nor Steve have gained an absolute majority after Jane's ballot papers have been distributed. Lyn is now the candidate with the least number of votes so she is excluded and her ballot papers are distributed according to who was marked as the 2nd (or 3rd) preference.



Once the preferences on Lyn's ballot papers have been distributed (4,000 are marked for Mike and 1,750 for Steve) the ballot papers for each of them are totalled.

Candidate Mike now has more than half of the total votes cast (an absolute majority) and is declared the elected candidate.

12.5 Declaration of the poll

Usually declarations of the poll for the House of Assembly will be conducted during the second week after polling day once the outcome has become clear. The first declaration is generally that of the leader of the party/group forming the government.

The district RO will organise the declaration and will advise candidates of the date, time and place of declaration. The declaration is usually conducted at the RO's office but if this is not suitable, at a neutral location within the House of Assembly district.

Candidates will have the opportunity to speak at the declaration.

PART 13: Re-counts, tied elections & disputed returns

13.1 Re-counts

The EA directs House of Assembly ROs to undertake a re-count of the relevant ballot papers before the declaration of the result. This re-count or check of ordinary vote House of Assembly ballot papers is undertaken by the RO on the Sunday immediately following polling day.

In addition, the Electoral Commissioner may direct a RO to conduct one or further re-counts of the ballot papers, including any declaration vote ballot papers, received and accepted for inclusion in the count.

At an official re-count the Electoral Commissioner will determine the admissibility of any ballot papers and declaration certificate envelopes challenged by scrutineers.

Candidates do not have the right under the EA to demand a re-count. However, where appropriate they may request the Electoral Commissioner to direct a re-count before the declaration of the result of an election.

13.2 Tied elections

If, in the final count, two candidates have an equal number of votes:

- the matter must be referred, on the application of the Electoral Commissioner, to the Court of Disputed Returns;
- the Court must determine the validity of any disputed ballot papers; and
- if it then appears that the deadlock has been resolved, the Court must declare the appropriate candidate elected, if not the Court must order a fresh election.

13.3 Disputed returns

The validity of any election may only be disputed by a petition to the Court of Disputed Returns.

At South Australian State elections, the Supreme Court is the Court of Disputed Returns and its jurisdiction is exercisable by a single judge. The decisions of the Court are final.

The petition

A petition disputing an election or return must:

- set out the facts relied on to invalidate the election or return;
- set out the relief to which the petitioner claims to be entitled;
- be signed by a candidate at the election in dispute or by a person who was qualified to vote at the election;
- be attested by 2 witnesses whose occupations and addresses are stated; and
- be filed in the Court within 40 days after the return of the writ.

When the petition is filed, the petitioner must deposit with the Registrar of the Supreme Court \$200 as security for costs.

Respondent to petition

The Electoral Commissioner and the person who was the successful candidate are both respondents to any petition in which the validity of an election or return is disputed.

Orders the Court may make

The Court may make any of the following orders:

- that a person found by the Court not to have been duly elected cease to be a member of the House of Assembly;
- that a person found by the Court to have been duly elected (but not returned as elected) take his or her seat as a member of the House of Assembly; and
- declare an election void and require a new election to be held.

The Court may award costs against an unsuccessful party to the petition.

An election will not be declared void on the ground of:

- a defect in a roll or certified list of electors, or
- an irregularity in, or affecting, the conduct of the election,

unless the Court is satisfied on the balance of probabilities that the result of the election was affected by the defect or irregularity.

An election may be declared void on the ground of the defamation of a candidate, or of misleading advertising, but only if the Court of Disputed Returns is satisfied, on the balance of probabilities, that the result of the election was affected by the defamation or misleading advertising.

An election may be declared void on the ground of a breach of section 109 (Bribery), 110 (Undue influence) or 111 (Interference with political liberty) of the EA:

- if the Court of Disputed Returns finds, either on the basis of a conviction or on the balance of probabilities, that the successful candidate, or a person acting on behalf of the successful candidate with the successful candidate's knowledge, has committed such a breach, then the Court may declare the election to be void whether or not it is satisfied that the result of the election was affected by the breach;
- if the Court of Disputed Returns finds, on the balance of probabilities, that the breach was committed without the successful candidate's knowledge, then the Court may declare the election to be void only if satisfied, on the balance of probabilities, that the result of the election was affected by the breach.

PART 14: Electoral Complaints

1 PURPOSE

The Feedback and Complaint Policy establishes the standards which the Electoral Commissioner requires for electoral complaints to be considered; and establishes the standards which individuals and organisations may expect to receive in their dealings with the Electoral Commission of South Australia (ECSA)

2 LODGING A COMPLAINT

Any individual or organisation may make a complaint about an alleged breach of a provision of the Act.

Complaints must be made in writing, preferably using the online form available on our website.

Complaints may be made:

- online: www.ecsa.sa.gov.au/about-ecsa/feedback-and-complaints
- by post: Electoral Commissioner
Electoral Commission SA
GPO Box 646
ADELAIDE SA 5001
- by email: ecsa.complaints@sa.gov.au
- in person: Level 6, 60 Light Square, Adelaide SA 5000

The complaint must establish the facts which are the basis of the allegation and be supported by evidence of the alleged electoral offence.

3 CONSIDERATION OF COMPLAINTS

During election periods, ECSA will endeavour to acknowledge electoral complaints within 2 business days.

More complex matters may take longer to resolve, and the parties will be kept informed of the progress of these matters.

ECSA may request information from complainants, respondents and other parties in order for the Electoral Commissioner to make their determination. If deadlines for these requests are not met, the Electoral Commissioner may make a determination without the information or close the complaint without further investigation.

Where information is requested from the parties involved, they are required to provide any and all relevant information in the first instance. Decisions will be made based on the information provided and it may not be possible to clarify/obtain further information.

The Electoral Commissioner may take any action available under the Act as deemed appropriate to effectively deal with a complaint within the context of the legislative timeframes of elections.

Following elections, the Electoral Commissioner will make a determination as to whether any complaints received will be referred for prosecution.

4 CONFIDENTIAL TREATMENT OF COMPLAINTS

Any personal information provided in the course of managing feedback or complaints will be managed in accordance with relevant legal and policy requirements.

ECSA treats complaints and feedback confidentially, however in some circumstances may be required to disclose information to resolve the complaint or feedback.

Where the parties involved in a complaint have publicised the matter, the Electoral Commissioner may confirm the existence of a complaint but will not discuss the details.

ECSA may make public comment regarding feedback and complaints in order to ensure electors are aware of a situation and/or have accurate information.

5 TIMEFRAMES

ECSA will acknowledge all feedback and complaints where contact information is provided within 2 business days.

ECSA will be clear about our process and about resolution timeframes. ECSA will update complainants about how their complaint is being addressed, to avoid unnecessary escalation of complaints.

ECSA will strive to resolve complaints within 5 days of acknowledgement.

If given the complexity of a complaint it cannot be resolved within 5 business days, ECSA will advise on the time frame expected and keep the complainant up to date throughout the process.

Election periods are limited and have strict legislative timeframes, so time is of the essence when handling complaints regarding electoral offences. There may be the potential for an offence to have an effect on the election results, this is particularly the case with misleading advertising. However, the Electoral Commissioner is committed to ensuring that any effect is minimised and may seek a withdrawal or retraction of offending material. Furthermore, if the alleged offender fails to withdraw or retract offending material, the Act provides the Electoral Commissioner with the ability to seek a Supreme Court injunction.

ECSA will not provide legal advice on matters of interpretation or any advice on campaign strategy.

Glossary of terms

Absent vote A vote cast at a polling booth by an elector outside his or her enrolled electoral district on polling day. See **Declaration vote**.

Absolute majority In South Australia a candidate for House of Assembly elections must receive more than half the formal votes (at least 50% + 1 vote) to be elected. This is called an absolute majority. See **Preferential voting**.

Assembly, House of See **House of Assembly**.

Ballot The process of voting at an election.

Ballot box The sealed box into which ballot papers are placed by electors after voting.

Ballot paper A paper printed for an election showing the candidates' names and affiliations or the paper containing a question to be decided in a referendum, that voters mark to record their vote.

By-election An election held in only one electoral district to fill a casual vacancy caused by the resignation, death or retirement of a House of Assembly member.

Candidate A person who is nominated to stand for election.

Central processing centre (CPC) A venue established by ECSA, used for:

- the receipt of postal applications and issue of ballot material
- the receipt of pre-poll and polling day declaration votes and despatch to ROs
- the scrutiny and count for the election of members to the Legislative Council.

Certified list A copy of the electoral roll prepared individually for each House of Assembly district to be used by ordinary issuing officers to record who has voted.

Count centre Any place appointed for the scrutiny and count of ballot papers eg polling booth, RO office, central processing centre (CPC).

Declaration of poll A formal announcement of the result of an election by a RO declaring the successful candidate as the elected Member. See **Returning officer (RO)**.

Declaration vote A vote given to electors who are unable to vote at a polling booth in their enrolled district on polling day. Enrolment details are provided by the elector on the declaration vote envelope, the completed ballot papers are placed inside the envelope which is then sealed. They are later distributed to the appropriate district HA RO for inclusion in the count. Declaration votes include absent, postal and pre-poll votes.

Declared institution The Electoral Commissioner may, by notice in the *Government Gazette*, declare the whole or a specified part of an institution such as a hospital, nursing home or corrective institution to be a 'declared institution' for the purpose of issuing votes to electors who are residents and unable to attend a polling booth.

Disputed returns A challenge to the validity of an election result. Disputed elections are referred to a Court of Disputed Returns to be resolved.

District (electoral) A defined geographical area of the State. The whole of the State is one electoral district for the Legislative Council, while there are 47 electoral districts for the House of Assembly, each containing approximately equal numbers of electors.

Donkey vote The preferential system of voting requires an elector to mark the ballot paper with sequential numbers in order of preference. A donkey vote is one that is marked 1-2-3-4 straight down or, less frequently, up the paper.

Draw or lot An object such as a slip of paper drawn from others to make a choice. The order of candidates' names on the ballot papers is determined by a draw or 'lot'.

Early vote See **Pre-poll vote**.

Early voting officer See **Pre-poll voting officer**.

Election The choosing of representatives to occupy official positions by voting.

Elector A person entitled to vote at an election.

Electoral Act (EA) The legislation which sets down the rules for the conduct of parliamentary elections and other electoral procedures.

Electoral Commissioner (EC) The statutory officer responsible to the Minister for the administration of the Electoral Act, including the proper conduct of elections and the implementation of appropriate publicity, education and research programs.

Electoral Commission of SA (ECSA) The agency responsible for administering and overseeing the conduct of electoral events.

Electoral offence Any action which breaches electoral law as specified by the Electoral Act.

Electoral roll A certified list of electors who have enrolled and are eligible to vote in an election.

Electoral visitor An electoral official who visits 'declared institutions' (hospitals, nursing homes etc) on or before election day to provide on-the-spot voting facilities for electors unable to attend a polling booth.

Electorate This refers to electors (the constituency) or an electoral district. In SA there are currently 47 House of Assembly Districts and 1 Legislative Council District. See **District**.

Enrolment The process of filling out an electoral enrolment form so as to have one's name included on the electoral roll.

Formal vote A ballot paper which has been correctly marked and counts towards the result of an election.

General elections In South Australia general elections are held for all House of Assembly seats (47) and half the Legislative Council seats (11) every four years. See **Term**.

Government A system by which a community is governed. Australia has three tiers of government: Federal, State and Local.

Group An alliance of candidates with similar interests.

House of Assembly The lower house of State parliament comprising 47 members each elected by the voters in an electoral district in South Australia.

How-to-vote card A card, in the form of a ballot paper, distributed by parties and independents indicating to electors how they should record their preferences when voting.

Independent A candidate or Member of Parliament, who is not a member of a registered political party.

Informal ballot paper A ballot paper which is declared invalid as it does not comply with the instructions governing the election and cannot therefore be accepted into the count.

Legislation The name given to a law or set of laws that have passed both Houses of Parliament and been assented to by the Governor.

Legislative Council The upper house of State Parliament comprising 22 members elected by voters for an eight year term, half of whom are elected at each State General Election.

Lower house See **House of Assembly**.

Majority See **Absolute majority**.

Marginal seat A seat requiring a swing of less than 6% is usually regarded as marginal.

Members of Parliament All elected representatives.

Mobile polling A voting facility provided some time during the 12 days up to and including polling day for electors in remote areas of the State.

Offence See **Electoral offence**.

Officer in charge Electoral official appointed to manage electoral proceedings in a particular location eg ballot material issuing, processing and counting activities.

Ordinary vote Ordinary votes are issued on polling day to electors at a booth who:

- are enrolled at an address in the district for which the polling booth has been established, and
- whose name appears on the certified list of electors for that district, and
- the certified list has not been marked to indicate that ballot papers have already been issued.

Poll An election.

Polling booth/place Location where voting takes place.

Polling booth manager The electoral official in charge of a polling booth.

Polling official An electoral official appointed to assist in the conduct of an election or poll.

Postal vote Electors who are away from their home State or Territory on polling day, or unable to get to a polling place, may apply for and send a vote by post. In South Australia it is also called a Declaration Vote.

Preferential voting A voting method where electors are required to mark the ballot paper using consecutive numbers to record their order of preference for all candidates. A candidate receiving an absolute majority, at least one more than 50% of the formal vote, is elected. If no candidate achieves this, then preferences are distributed to remaining candidates until one candidate has an absolute majority. This system of voting and counting is used in House of Assembly elections.

Pre-poll vote A vote made in person at an authorised issuing centre after the close of nominations and prior to polling day.

Pre-poll voting officer Pre-poll voting officers are appointed at various locations intrastate, interstate and overseas to issue ballot papers to electors unable to attend a polling booth on polling day.

Proportional representation A system of vote counting designed to elect representatives who obtain a specified quota or proportion of votes. This system is used in Legislative Council, Senate and some Local Government elections.

Re-count A second or further count of votes to verify a result.

Register of declaration voters A list of electors who automatically receive voting material by post after satisfying the Electoral Commissioner that they are unable to attend a polling booth due to physical disability, religious belief, caring for a person who is seriously ill, infirm or disabled, not within 20 kilometres of a polling place or suppression of address on the electoral roll.

Registered political party An organisation registered with the Electoral Commission of SA endorsing candidate(s) for election to the House of Assembly or Legislative Council.

Registrar A Commonwealth electoral officer responsible for maintaining and updating electoral rolls.

Return of writ When a general election is finalised, the Writ is returned to the Governor with the names of the successful candidates, now members of Parliament. Following a by-election in the House of Assembly, the Writ is returned to the Speaker. See **Writ**.

Returning Officer (RO) The electoral officer responsible for conducting an election in an electoral district.

Roll See **Electoral roll**.

Safe seat A seat which is held by a sufficiently large margin of votes that is unlikely to be lost at the next election. Seats requiring a swing of more than 10% are usually regarded as safe.

Scrutineer A person appointed by a candidate to observe the polling process and the sorting and counting of ballot papers, also having the right to question the validity of any votes.

Scrutiny The sorting, counting and rechecking of ballot papers following the close of poll.

Seat A seat in a parliament held by an elected member. Can also refer to a member's electorate (district).

Secret ballot A vote made in secret. Adopted in South Australia in 1856, often called the 'Australian Ballot'.

Shared booth A polling booth established near the boundaries of adjoining districts to service the needs of electors of 2 or 3 districts.

Swing An analysis of previous election results (in percentage terms) used to identify the shift in political support that would be required in electoral districts for seats to be won or lost at an election.

Term The length of time a parliament may sit before an election must be called. The South Australian Parliament has a set 4 year term.

Two-candidate preferred (2CP) vote The votes allocated to the two candidates assessed as likely to remain in the count after the distribution of preferences from other candidates (election night) or votes actually counted to the final two candidates remaining in the count.

Two-party preferred (2PP) vote The votes allocated to the two major parties, Labor and Liberal, after the distribution of preferences from other candidates.

Upper house See **Legislative Council**.

Vote The process of electing a candidate. A vote can be made by voice, a show of hands or by marking a ballot paper. See also **Absent, Declaration, Formal** and **Postal votes, Informal ballot paper**.

Voting ticket A statement lodged no later than 72 hours after the close of nominations by a candidate or on behalf of a candidate endorsed by a registered political party by the registered officer indicating the order in which voters, who do not mark their full preferences on the ballot paper, may be presumed to have allocated preferences for a House of Assembly election.

Writ The legal document issued by the Governor authorising a general election or referendum, specifying the dates by which various procedures must be completed. The Speaker issues writs for House of Assembly by-elections.

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