

SOUTH AUSTRALIA

ELECTORAL REGULATIONS 1997

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LEGISLATIVE HISTORY

REGULATIONS UNDER THE ELECTORAL ACT 1985

Electoral Regulations 1997

being

No. 193 of 1997: *Gaz.* 28 August 1997, p. 535¹

as varied by

No. 244 of 1997: *Gaz.* 18 December 1997, p. 1708²

¹ Came into operation 28 August 1997: reg. 2.

² Came into operation 18 December 1997: reg. 2.

Citation

1. These regulations may be cited as the *Electoral Regulations 1997*.

Commencement

2. These regulations will come into operation on the day on which the *Electoral (Miscellaneous) Amendment Act 1997* comes into operation.

Revocation

3. All regulations previously made under the *Electoral Act 1985* are revoked.

Interpretation

4. In these regulations—

"Act" means the *Electoral Act 1985*.

Forms

5. The forms in the Schedule are prescribed for use for the purposes indicated in the form.

Prescribed authorities (s. 27A)

6. (1) For the purposes of section 27A(1) of the Act, the following are prescribed authorities:

- (a) the Commissioner of Police;
- (b) the Sheriff, deputy sheriffs and sheriff's officers;
- (c) the South Australian Health Commission;
- (d) the South Australian Superannuation Board.

(2) For the purposes of section 27A(2) of the Act—

- (a) a member of either of the Houses of Parliament is a person of a prescribed class; and
- (b) the age bands are the ages from 18 to 24 (inclusive), 25 to 34 (inclusive), 35 to 44 (inclusive), and so on.

Deposit to be paid on nomination (ss. 53 & 53A)

7. For the purposes of section 53(2)(b) and 53A(2)(b) of the Act, the prescribed amount of the deposit to be paid in respect of each candidate on nominating for election is \$450.

Procedure for lots (ss. 59, 60, 66, 92, 93, 95 & 96)

8. (1) A lot to determine—

- (a) the order of the groups referred to in section 59(1)(b) of the Act; and
- (b) the order of the names of the candidates referred to in section 59(1)(c) of the Act; and
- (c) the order of the names of the candidates referred to in section 60(a) of the Act,

must be carried out by the Electoral Commissioner in the manner described in subregulations (4) to (7) (inclusive) as soon as practicable after the hour of nomination.

3.

(2) A lot must be carried out, subject to any necessary modifications, in the manner described in subregulations (4) to (7) (inclusive) to determine any of the following matters:

- (a) the order in which electoral material under section 66(1) of the Act is to be arranged on posters for display in polling booths; and
- (b) a determination in respect of the marking of a ballot paper in relation to a Legislative Council election required by section 92(3)(d)(i) of the Act; and
- (c) a determination in respect of the marking of a ballot paper in relation to a House of Assembly election required by section 93(3)(d)(i) of the Act.

(3) If a returning officer is required to make—

- (a) a determination under section 95(19), (21) or (23) of the Act relating to the scrutiny of votes in a Legislative Council election; or
- (b) a decision under section 96(6) of the Act relating to the scrutiny of votes in a House of Assembly election,

the returning officer may make the determination or decision (as the case requires) by lot to be carried out, subject to any necessary modifications, in the manner described in subregulations (4) to (7) (inclusive).

(4) The procedure to be followed in conducting a lot is as follows:

- (a) each group or name (as the case may be) must be written on a piece of paper using a separate piece of paper for each group or name; and
- (b) each separate piece of paper must be placed into a separate envelope and if it is necessary to fold the piece of paper to make it fit into the envelope, each piece of paper must be folded in the same manner so as to make it the same size and thickness; and
- (c) after a piece of paper has been placed in an envelope it must be sealed; and
- (d) all the envelopes must be placed into a container and shuffled; and
- (e) after the envelopes have been shuffled, the Electoral Commissioner or the returning officer (as the case may be) must draw them, one at a time, from the container.

(5) For the purposes of subregulation (4), each separate piece of paper must be of the same kind, shape, size and colour and each envelope into which such paper is placed must be opaque and of the same kind, shape, size and colour.

(6) The order in which an envelope is drawn from the container determines the order of the group or the names of the candidates (as the case may be), the first to be drawn being the first in the order, and so on, until the order has been determined, the last to be drawn being the last in the order.

(7) Each of the procedures set out in subregulation (4) must be carried out in the presence of an officer and any candidate or representative of a candidate who chooses to be present.

Photographs of candidates (s. 64)

9. For the purposes of section 64(3)(b) of the Act, the requirements with which a candidate's photograph must comply are that it must—

- (a) be in black and white; and
- (b) be a full-faced vertical portrait of the candidate's head and shoulders; and
- (c) be at least 15 centimetres in length and at least 10 centimetres in width; and
- (d) 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 12 months before being submitted.

How-to-vote cards (s. 66)

10. (1) For the purposes of section 66(2) of the Act, a how-to-vote card submitted for inclusion in posters under section 66(1)(a) of the Act—

- (a) must—
 - (i) be printed; and
 - (ii) if a candidate is contesting a seat in the Legislative Council—be 65 millimetres in length and 145 millimetres in width; and
 - (iii) if a candidate is contesting a seat in the House of Assembly—be 150 millimetres in length and 90 millimetres in width; and
 - (iv) have printed on it the following information:
 - (A) the words "how-to-vote"; and
 - (B) the name of the candidate, group of candidates or all candidates; and
 - (C) the name and address of the person who authorised the printing of the card; and
 - (D) the name and address of the person who printed the card; and
 - (E) if a candidate is contesting a seat in the House of Assembly—the name of the district being contested; and
 - (F) immediately before the surname of all candidates contesting a House of Assembly election, figures surrounded by a square indicating the order of preference the candidate recommends for each candidate; and

5.

(G) in the case of a Legislative Council election—

- immediately before the surname of all candidates whose names appear on the how-to-vote card, figures surrounded by a square indicating the order of preference the candidate or group of candidates recommends for each of those candidates, together with a statement to the effect that an elector must express a preference for all other candidates; or
- if a candidate or group of candidates contesting the election has lodged a voting ticket under section 63 of the Act, a figure "1" in a voting ticket square, together with a statement to the effect that if there is an expression of a preference in that square there is no necessity for an elector to express a preference for all the candidates; or
- if a candidate or group of candidates contesting the election chooses to print the names of all candidates on the card, a statement directing the voter to express a preference for all the candidates; and

(b) may have printed on it the following information:

- (i) the name of the registered political party (or composite name if there is more than one such party) supporting the candidate or group of candidates; and
- (ii) in relation to a candidate or group of candidates, the description "Independent" or such description followed by not more than 5 words.

(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, proportionally reduce the size of each how-to-vote card submitted for inclusion in the poster.

(3) Except for the matters referred to in subregulation (1), no other matter may be printed on or otherwise appear on the card.

Applications for voting papers (s. 73)

11. (1) For the purposes of section 73(2) of the Act, a person may make a written application for the issue of voting papers by completing and signing—

- (a) Form 3, 4, 5 or 6 in the Schedule (whichever is appropriate in the circumstances); or
- (b) an application containing the information that would have been required to complete Form 3, 4, 5 or 6 in the Schedule (whichever is appropriate in the circumstances).

(2) An oral application may not be made until the day after the nomination day.

Prescribed mark (ss. 73 & 94)

12. For the purposes of section 73(3)(b) and 94(1)(a) of the Act, the prescribed mark is—

- (a) a water mark containing a circle within which the letters "SA" are intertwined; or
- (b) circles within which the letters "SA" are intertwined printed on the ballot paper.

Prescribed period (s. 85)

13. For the purposes of section 85(3) of the Act, the prescribed period is 90 days.

Prescribed class of articles (s. 112)

14. For the purposes of section 112(2)(b) of the Act, the following class of articles is prescribed:

An electoral advertisement consisting of a letter or leaflet that carries the signature and the name and the address (not being a post office box) of its author and is not printed—

- (a) by a person who carries on the business of printing or a business a significant part of which involves printing; or
- (b) by or on behalf of a person who publishes a newspaper, magazine, periodical or similar publication.

Prescribed circumstances (s. 115)

15. For the purposes of section 115(3)(c) of the Act, the following circumstances are prescribed in relation to the exhibition of electoral advertisements:

- (a) the exhibition of electoral advertisements that are, in accordance with section 115(2) of the Act, to be taken to be a single electoral advertisement if all the advertisements that are taken to form the single advertisement are exhibited in such a position that they are at an angle of not less than 270° to each other;
- (b) the exhibition of an electoral advertisement at, or in the vicinity of, a place at which a press conference, meeting, campaign launching, campaign rally, fete, dinner, garden party, ball, barbecue or other gathering is held is the exhibition of an electoral advertisement in circumstances of a prescribed kind if—
 - (i) the gathering is organised by, on behalf of or for a registered political party or a candidate at a Legislative Council election or a House of Assembly election; and
 - (ii) the exhibition of the advertisement—
 - (A) occurs immediately before, during or immediately after the gathering; and
 - (B) for a period or periods the combined length of which does not exceed 24 hours.

SCHEDULE

Forms

The Schedule contains the following forms:

- Form 1** Ballot paper for Legislative Council election (Section 61 of the Act)
- Form 2** Ballot paper for election of member of House of Assembly (Section 61 of the Act)
- Form 3** Declaration Vote Certificate No. 1 (Section 73 of the Act)
- Form 4** Declaration Vote Certificate No. 2 (Section 73 of the Act)
- Form 5** Declaration Vote Certificate No. 3 (Section 73 of the Act)
- Form 6** Postal application for voting papers (Section 73 of the Act)
- Form 7** Declaration by elector who applied by post but failed to receive voting papers (Section 81 of the Act)
- Form 8** Electoral Act 1985—Section 85 Notice of apparent failure to vote (Section 85 of the Act)

8.

FORM 1

[Form appears in *Gaz.* 28 August 1997, p. 535]

FORM 2

STATE OF SOUTH AUSTRALIA

BALLOT-PAPER

ELECTION OF MEMBER OF HOUSE OF ASSEMBLY DISTRICT OF

DIRECTIONS

Mark your vote on this ballot-paper by placing the numbers (*here insert "1 and 2" where there are two candidates, "1, 2 and 3" where there are three candidates, "1, 2, 3 and 4" where there are four candidates, and so on as the case requires*) in the square opposite the names of the candidates so as to indicate your preference for them.

You are not legally obliged to mark the ballot-paper.

After voting, fold the ballot-paper and place it in the ballot-box (or declaration envelope).

CANDIDATES

- (a) (b).....
- (a) (b).....
- (a) (b).....
- (a) (b).....

Issuing Officer's Initials

(a) *Insert here the name of a candidate.*

(b) *If to be printed, insert here—*

- *the registered name or abbreviation of the political party; or*
- *the composite name or composite abbreviation of two registered political parties;*
or
- *the description "Independent"; or*
- *the description "Independent" followed by not more than 5 additional words.*

10.

FORM 3
DECLARATION VOTE CERTIFICATE NO. 1

[Form appears in *Gaz.* 28 August 1997, p. 535]

FORM 4
DECLARATION VOTE CERTIFICATE NO. 2

[Form appears in *Gaz.* 28 August 1997, p. 535]

FORM 5
DECLARATION VOTE CERTIFICATE NO. 3

[Form appears in *Gaz.* 28 August 1997, p. 535]

FORM 6
POSTAL APPLICATION FOR VOTING PAPER(S)

Front of form

[Form appears in *Gaz.* 28 August 1997, p. 535]

Back of form

[Form appears in *Gaz.* 28 August 1997, p. 535]

FORM 7
DECLARATION BY ELECTOR WHO APPLIED BY POST BUT FAILED TO RECEIVE VOTING PAPERS

This Declaration form must be completed and returned together with your postal vote - **DO NOT** place it inside the declaration vote envelope.

To the Returning Officer, Assembly District of
or (Declaration Vote Issuing Officer)

ELECTOR'S NAME AND ENROLLED ADDRESS	(Surname) (Given Names)
	(Address)

I declare that I failed to receive declaration voting papers in response to my postal application.

I also declare that I will not complete any ballot-papers that I may receive in response to my original application and will return them unused.

.....
Signature of elector (or mark of marksman)

**FORM 8
ELECTORAL ACT 1985—SECTION 85
NOTICE OF APPARENT FAILURE TO VOTE**

Front of form

To the Elector

According to our records it appears that you did not vote at the State election/referendum held on / / .

It is an offence against section 85(7) of the *Electoral Act 1985* to fail to vote without a valid and sufficient reason for the failure (maximum penalty: \$50; expiation fee: \$10).

You are called upon to state the reasons (if any) why proceedings should not be instituted against you for failing to vote without a valid and sufficient reason.

It is an offence against section 85(7) of the *Electoral Act 1985* to fail to complete, sign and return this form (duly witnessed) within the time allowed (maximum penalty: \$50; expiation fee: \$10).

This form must be completed and returned to the STATE ELECTORAL OFFICE in the postage paid envelope by / / .

Note: If the elector to whom this notice is addressed is absent or unable for some reason to respond, another elector who knows the facts and who is acting on behalf of the elector may respond.

ELECTORAL COMMISSIONER

PLEASE PRINT

Section 1	Name of Elector:	Daytime phone:
	Address:	Date of birth:

PLEASE PRINT

Section 2	<p>This section may be completed in any of the following ways:</p> <p>A I did vote</p> <p><i>(Tick appropriate box)</i></p> <p><input type="checkbox"/> at the polling place at</p> <p>OR</p> <p><input type="checkbox"/> by post</p> <p><i>(Our records will be re-checked against your claim.)</i></p> <p>B My reasons for not voting were that:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>C Other:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(If the Electoral Commissioner is not satisfied that you had a valid and sufficient reason for not voting, proceedings may be instituted against you for failure to vote.)</i></p>
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Section 3	<p>I, the elector named above,*</p> <p>OR</p> <p>I <i>(insert name)*</i></p> <p>of <i>(insert address)</i></p> <p>declare that the contents of this form are true to the best of my knowledge and belief.</p> <p><i>*delete whatever is not applicable</i></p>	
Signature of elector or person completing form	The declaration above was signed in my presence	Signature of witness / / Address of witness date

14.

APPENDIX

LEGISLATIVE HISTORY

Schedule
Form 8:

substituted by 244, 1997, reg. 3