

Legislative Council—No 280

As introduced and read a first time, 15 November 2017

South Australia

**Electoral (Candidate Declarations) Amendment
Bill 2017**

A BILL FOR

An Act to amend the *Electoral Act 1985*; and to make a related amendment to the
Constitution Act 1934.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Electoral (Candidate Declarations) Amendment Act 2017*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Electoral Act 1985*

10 3—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *institution* insert:

- 15 *major party* means a registered political party declared by the Electoral Commissioner, by notice in the Gazette, to be a major party for the purposes of this Act (provided that the Electoral Commissioner must not declare more than 2 political parties to be major parties for the purposes of this Act);

4—Amendment of section 53—Nominations of candidates endorsed by political party

- (1) Section 53(3)—after paragraph (b) insert:
and

(c) in the case of a nomination paper relating to candidates endorsed by a party other than a major party—contain a declaration, signed by the registered officer of the party and each candidate, indicating, if any of the candidates are elected at the election, whether they would support a major party to form a government, and if so, which party, in the event that, during the relevant period, neither major party is able to form a government based on the number of members of each major party elected to the House of Assembly.

(2) Section 53—after subsection (8) insert:

(8a) The Electoral Commissioner must publish a declaration under subsection (3)(c) in a newspaper circulating generally in the State as soon as is reasonably practicable after the declaration is lodged and in any event within 72 hours after the hour of nomination.

(8b) In this section—

relevant period means the period commencing at the hour of nomination for the election to which the nomination under subsection (3)(c) relates and ending at the hour of nomination for the general election of the House of Assembly immediately following that election.

5—Amendment of section 53A—Nomination of candidate by a person

(1) Section 53A(3)—after paragraph (b) insert:

and

(c) in the case of a nomination paper relating to a candidate who is not endorsed by a major party—signed by the candidate, indicating, if the candidate is elected at the election, whether the candidate would support a major party to form a government, and if so, which party, in the event that, during the relevant period, neither major party is able to form a government based on the number of members of each major party elected to the House of Assembly.

(2) Section 53A—after subsection (4a) insert:

(4b) The Electoral Commissioner must publish a declaration under subsection (3)(c) in a newspaper circulating generally in the State as soon as is reasonably practicable after the declaration is lodged and in any event within 72 hours after the hour of nomination.

(4c) In this section—

relevant period means the period commencing at the hour of nomination for the election to which the nomination under subsection (3)(c) relates and ending at the hour of nomination for the general election of the House of Assembly immediately following that election.

Schedule 1—Related amendment to *Constitution Act 1934*

1—Amendment of section 31—Vacation of seat in Assembly

Section 31(1)—after paragraph (c) insert:

- (d) acts in a manner inconsistent with or breaches a declaration made under section 53(3)(c) or section 53A(3)(c) of the *Electoral Act 1985*; or

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