

South Australia

## **Electoral Regulations 2009**

under the *Electoral Act 1985*

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### **1—Short title**

These regulations may be cited as the *Electoral Regulations 2009*.

### **2—Commencement**

These regulations will come into operation on the day on which the *Electoral (Miscellaneous) Amendment Act 2009* comes into operation.

### **3—Interpretation**

In these regulations, unless the contrary intention appears—  
*Act* means the *Electoral Act 1985*.

### **4—Forms**

- (1) The forms in Schedule 1 are prescribed for use for the purposes indicated in the form.
- (2) For the purposes of Legislative Council elections—
  - (a) Form 1 must be used where there are 20 or less groups of candidates and individual candidates to be printed on the ballot paper; and

- (b) Form 1A must be used where there are more than 20 groups of candidates and individual candidates to be printed on the ballot paper.

### **5—Prescribed authorities (section 27A)**

- (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 Chief Executive of the administrative unit that is, under the relevant Minister, responsible for the administration of the *Health Care Act 2008*;
  - (d) the South Australian Superannuation Board;
  - (e) Central Northern Adelaide Health Service Incorporated.
- (2) For the purposes of section 27A(2) of the Act, the following are persons of a prescribed class:
  - (a) a member of either of the Houses of Parliament;
  - (b) a nominated candidate for an election;
  - (c) the registered officer of a registered political party.

### **6—Deposit to be paid on nomination (sections 53 and 53A)**

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.

### **7—Procedure for lots (sections 59, 60, 92, 93, 95 and 96)**

- (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.
- (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) 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;
  - (b) 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;
  - (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;
  - (c) after a piece of paper has been placed in an envelope it must be sealed;
  - (d) all the envelopes must be placed into a container and shuffled;
  - (e) after the envelopes have been shuffled, the Electoral Commissioner or the returning officer (as the case may be) must draw them, 1 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.

### **8—Photographs of candidates (section 64)**

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 cm in length and at least 10 cm 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.

### **9—How-to-vote cards (section 66)**

- (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 mm in length and 145 mm in width; and
  - (iii) if a candidate is contesting a seat in the House of Assembly—be 150 mm in length and 90 mm in width; and
  - (iv) have printed on it 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 printing of the card;
    - (D) the name and address of the person who printed the card;
    - (E) if a candidate is contesting a seat in the House of Assembly—the name of the district being contested;
    - (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;
    - (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;
  - (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.

#### **10—Applications for voting papers (section 73)**

- (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 Schedule 1 (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 Schedule 1 (whichever is appropriate in the circumstances).
- (2) An oral application may not be made until the day after the nomination day.

#### **11—Prescribed mark (sections 73 and 94)**

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.

#### **12—Prescribed manner for issue or dispatch of declaration voting papers (section 74)**

For the purposes of section 74(2a)(b), each of the following is prescribed as a manner in which declaration voting papers may be issued or dispatched:

- (a) by hand delivery by an officer;
- (b) by courier engaged by an officer.

#### **13—Prescribed period (section 85)**

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

#### **14—Prescribed class of articles (section 112)**

For the purposes of section 112(2)(b) of the Act, 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,

is a prescribed class of articles.

### **15—Prescribed requirements for how-to-vote cards (section 112A)**

For the purposes of section 112A(1)(b), the information referred to in subparagraphs (i) and (ii) of that paragraph must be printed on the how-to-vote card in—

- (a) Times New Roman font no smaller than 10 points; or
- (b) Arial font no smaller than 9 points; or
- (c) Courier New font no smaller than 9 points; or
- (d) any other readily legible font no smaller than 9 points.

### **16—Prescribed circumstances (section 115)**

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.







## Form 2

South Australia		Issuing Officer Initials
<b>Ballot Paper</b>		
Election of one Member for the House of Assembly		
<b>DISTRICT OF (a)</b>		
<b>Number the squares from 1 to (b) in the order of your choice.</b>		
You are not legally obliged to mark the ballot paper.		
<input style="width: 40px; height: 25px;" type="checkbox"/>	(c)	(d)
<input style="width: 40px; height: 25px;" type="checkbox"/>	(c)	(d)
<input style="width: 40px; height: 25px;" type="checkbox"/>	(c)	(d)
<input style="width: 40px; height: 25px;" type="checkbox"/>	(c)	(d)
<input style="width: 40px; height: 25px;" type="checkbox"/>	(c)	(d)
<b>After voting, fold the ballot paper and place it in the ballot box or declaration envelope</b>		

- (a) Insert here name of District
- (b) Insert here number of candidates
- (c) Insert here name of candidate
- (d) 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.

**Form 3**

Declaration Vote Envelope 1					
Roll Number					
Name of District					
<b>1. Elector Details - Please print firmly</b>					
Surname					
Given Names					
Residential Address for which you claim to be enrolled					
Date of Birth	Day	Month	Year		
<b>2. Elector Declaration</b>					
I declare that I:					
<ul style="list-style-type: none"> <li>• am entitled to a declaration vote;</li> <li>• have not already voted in this election/referendum; and</li> <li>• completed my ballot papers and this declaration before 6pm (South Australian time) on polling day.</li> </ul>					
Reason for applying for a Declaration Vote					
<input type="checkbox"/>	Unenrolled - My name, as a result of an official error, does not appear on the certified list of electors for the district.				
Signature or Mark of Elector					
<b>3. Authorised Witness to Complete - Only if elector is voting by post</b>					
Surname					
Given Names					
Address					
I certify that the elector signed/marked this declaration in my presence before 6pm (South Australian time) on polling day.					
Signature of Authorised Witness			Date		
			J /		
<b>4. Issuing Officer to Complete</b>					
I certify that the elector is entitled to receive declaration voting papers for this election/referendum.					
Date of election/referendum	/ /				
Name of issuing office or declared institution					
Signature of Issuing Officer			Date		
			J /		

**Form 4**

Declaration Vote Envelope 2					
Roll Number					
Name of District					
1. Elector Details - Please print firmly					
Surname					
Given Names					
Residential Address for which you claim to be enrolled					
Date of Birth	Day	Month	Year		
Former surname if changed since you last enrolled					
2. Elector Declaration					
I declare that I have not previously voted in this election/referendum and am entitled to a declaration vote because:					
Absent	<input type="checkbox"/>	I choose to attend a polling booth outside my enrolled district			
✓ Unenrolled	<input type="checkbox"/>	My name, as a result of an official error, does not appear on the certified list of electors for the district			
Tick one box: Already Voted?	<input type="checkbox"/>	I appear, as a result of an error, to have already voted in this election/referendum			
Suppressed Address	<input type="checkbox"/>	My address has been suppressed from publication			
Signature or Mark of Elector					
3. Issuing Officer to Complete					
I certify that the elector is entitled to receive declaration voting papers for this election/referendum.					
Date of election/referendum	/ /				
Polling Place					
Issuing Officer's Signature					

**Form 5**

<p><b>1. Elector Details</b></p> <p>Elector Number <span style="float: right;">DISTRICT</span>          Issue Date <span style="float: right;">Issue Reason</span>          Election Date <span style="float: right;">Date of Birth</span>          Elector Name &amp; Enrolled Address</p> <p>BARCODE</p> <p>Elector Name          Street Address 1          Street Address 2          Suburb</p>	<p><b>2. Elector Declaration</b></p> <p>I declare that I:</p> <ul style="list-style-type: none"> <li>• am entitled to a declaration vote;</li> <li>• have not already voted in this election/referendum;</li> <li>• confirm my personal details on this declaration vote envelope are correct; and</li> <li>• completed my ballot papers and this declaration before 6pm (South Australian time) on polling day (penalties apply see overleaf)</li> </ul> <p style="text-align: center;">Signature or Mark of Elector</p>											
<p><b>3. Authorised Witness to Complete</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Surname</td> <td></td> </tr> <tr> <td>Given Names</td> <td></td> </tr> <tr> <td rowspan="2">Address</td> <td></td> </tr> <tr> <td></td> </tr> </table> <p>I certify that the elector signed/signed/initialled this declaration in my presence before 6pm (South Australian time) on polling day.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Signature of Authorised Witness</td> <td style="width: 30%;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;">/ /</td> </tr> </table>		Surname		Given Names		Address			Signature of Authorised Witness	Date		/ /
Surname												
Given Names												
Address												
Signature of Authorised Witness	Date											
	/ /											

**For Your Vote To Count**

- Read the Postal Voting Guide
- Complete and sign the Elector Declaration
- Ensure the authorised witness completes and signs where indicated
- Do not remove the flap containing your elector details. To ensure the secrecy of your vote, the flap will be removed by an electoral official before the envelope is opened
- Place your completed ballot papers in this envelope and seal as directed

It is an offence for the voter or witness to mark a ballot paper or sign a declaration envelope after the close of poll (6pm South Australian time) on polling day.  
 Penalty: \$2,500 or imprisonment for 6 months.

Form 6

Application for a Postal Vote			
Office Use Only			
1. Complete Your Details - Please Print			
Surname			
Given Names			
Residential Address <small>for which you claim to be enrolled Post Office box, RMD &amp; RSD numbers are not acceptable.</small>			
Date of Birth	Day	Month	Year
Contact Number			
2. Address To Send Ballot Papers			
Please send ballot papers for this election/referendum to me at this address			
3. Declaration			
I declare that I:			
<ul style="list-style-type: none"> <li>• have not already voted in this election/referendum; and</li> <li>• am eligible for a postal vote for one of the following reasons: (✓ tick one box)</li> </ul>			
<input type="checkbox"/> Distance	<input type="checkbox"/> Advanced Pregnancy		
<input type="checkbox"/> Travelling	<input type="checkbox"/> Religion		
<input type="checkbox"/> Illness	<input type="checkbox"/> Working		
<input type="checkbox"/> Caring for Others	<small>See back of this application for detailed description of reasons</small>		
Signature or Mark of Elector		Date	
		/ /	
Signature of Authorised Witness <small>only if elector is unable to sign (see reverse)</small>		Date	
		/ /	

#### Qualification To Apply For A Postal Vote

You are entitled to apply for a postal vote if you are unable to vote at a booth on polling day for one of the following reasons -

- **Distance** - Reside more than 8 kilometres from any polling booth
- **Travelling** - Away from residential address on polling day
- **Illness** - Sickness, infirmity or disability
- **Caring for Others** - Caring for a person who is sick, infirm or disabled
- **Advanced Pregnancy**
- **Religion** - Membership in a religious order or religious beliefs
- **Working** - Working throughout the hours of polling

#### Obligations of Authorised Witness

An elector who is unable to write may, in the presence of an *authorised witness*, make his/her distinguishing mark in the space provided for the applicant's signature.

*Authorised witness*

- is any person (other than a candidate in the election) who is at least 18 years of age;
- can only witness this application if he/she has seen the applicant **mark** it.

#### Application By Post

Completed applications must be received by 5pm on the Thursday immediately before the election/referendum at:

Electoral Commission SA,

GPO Box 666,  
Adelaide SA 5001

Level 6, 60 Light Square  
Adelaide SA 5000

or an appointed overseas office.

The location of overseas offices will be published in local newspapers prior to the election/referendum and on the Electoral Commission SA website at:

[www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au)

#### For Further Information

If you have any queries please contact the Electoral Commission SA.

Enquiry Line: 1300 655 232

TTY: 08 7424 7451

For fax contact information refer to [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au)

Form 7

**Declaration by elector who applied by post  
but failed to receive voting papers**

To the Returning Officer for the District of

(Insert Name of District)

<b>Elector's Name and Enrolled Address</b>	Surname	
	Given Names	
	Enrolled Address	

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

<b>Signature or Mark of Elector</b>	
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**Polling Booth Manager to complete**

I, ..... Polling Booth Manager at the  
(Name of Polling Booth Manager)

..... polling place, certify that the abovenamed  
(Name of Polling Place)

elector has been provided with the appropriate ballot papers so that he/she may vote in this election.

Signature of Polling Booth Manager ..... Date ...../...../.....

Form 8

ELECTORAL DISTRICT:
ELECTION DATE:
DUE DATE FOR RETURN OF NOTICE:

NOTICE OF APPARENT FAILURE TO VOTE

Dear Elector

My records appear to indicate that you did not vote at the State election held on the date given above.

It is an offence under section 85(7) of the *Electoral Act 1985* to fail to vote without a valid and sufficient reason.

(Expiation fee: \$10; maximum penalty: \$50)

I am now offering you the opportunity to provide the reason for your apparent failure to vote (refer Section 2A or 2B of this Notice).

If the elector to whom this Notice is addressed is absent, or unable to respond, another elector who knows the facts may respond on the elector's behalf.

It is also an offence under section 85(7) to fail to complete, sign and return this Notice to the State Electoral Office by the date given above.

(Expiation fee: \$10; maximum penalty \$50)

A reply paid envelope is provided. Please note that your returned Notice MUST be witnessed (refer Section 4 of the Notice).

ELECTORAL COMMISSIONER



**Please Print**

<b>Section 1</b>	Name of Elector	Daytime Phone
	Current Address	Date of Birth

<b>Section 2 A</b>	<p><b>Please complete either Section 2A or 2B</b></p> <p><b>I did vote</b></p> <p><i>(Tick appropriate box)</i></p> <p><input type="checkbox"/> at the polling place at .....</p> <p><input type="checkbox"/> by post.....</p> <p><input type="checkbox"/> pre poll in person at.....</p> <p><i>(Our records will be re-checked against your claim.)</i></p> <p style="text-align: center;">OR</p>
<b>2 B</b>	<p><b>The reason for not voting</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

<b>Section 3 A</b>	<p><b>I declare that the information provided above is true to the best of my knowledge.</b></p> <p>Signature of elector OR person completing the Notice</p> <p>.....</p>
<b>3 B</b>	<p><b>Name and address of any person acting on behalf of the elector</b></p> <p>Name.....</p> <p>Address.....</p>

**WITNESS SECTION**

<b>4</b>	<p>The declaration was signed in my presence.</p> <p>Signature of Witness</p> <p>.....</p>	<p><b>Address of Witness</b></p> <p>.....</p> <p>.....</p> <p style="text-align: right;">..... Date</p>
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## Schedule 2—Revocation

The *Electoral Regulations 1997* are revoked.

**Electoral Regulations 2009**

Schedule 2—Revocation

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**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 27 December 2009

No 309 of 2009

AGO0170/04CS