

South Australia

Electoral Variation Regulations 2013

under the *Electoral Act 1985*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Electoral Regulations 2009*

- 4 Variation of regulation 9—How-to-vote cards (section 66)
 - 5 Substitution of regulation 15
 - 15 Prescribed requirements for how-to-vote cards (section 112A)
 - 6 Variation of Schedule 1—Forms
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electoral Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which the *Electoral (Miscellaneous) Amendment Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Electoral Regulations 2009*

4—Variation of regulation 9—How-to-vote cards (section 66)

- (1) Regulation 9(1)(a)—delete paragraph (a) and substitute:
 - (a) must—
 - (i) if a candidate is contesting a seat in the Legislative Council—be no larger than 65 mm in length and 145 mm in width; and
 - (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;
 - (D) if the card is to be distributed in printed form—the name and address of the printer;
 - (E) if a candidate is contesting a seat in the House of Assembly—the name of the district being contested;
 - (F) in the case of a House of Assembly election—
 - immediately before the surname of all candidates contesting the election, figures surrounded by a square indicating the order of preference the candidate recommends for each candidate; or
 - if the candidate to whom the how-to-vote card relates has lodged a voting ticket under section 63 of the Act, immediately before the surname of that candidate, a figure "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;
 - (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
- (2) Regulation 9(1)(b)—delete "have printed on it" and substitute:
contain
- (3) Regulation 9(1)—after paragraph (b) insert:
and
(c) may be submitted in electronic form.
- (4) Regulation 9(3)—delete "printed" and substitute:
contained

5—Substitution of regulation 15

Regulation 15—delete the regulation and substitute:

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

- (1) For the purposes of section 112A(1)(b) of the Act, the information referred to in subparagraphs (i) and (ii) of that paragraph 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.
- (2) For the purposes of subregulation (1), the comparison between the size of a how-to-vote card and a standard paper size mentioned in that subsection is to be done by comparing the area of the how-to-vote card with the area of the standard paper size (regardless of the shape of the how-to-vote card).
- (3) For the purposes of section 112A(2)(a) and (b) of the Act, a how-to-vote card lodged under that subsection—
- (a) may be lodged in electronic form; and
 - (b) must contain the following information:
 - (i) the words "how-to-vote";
 - (ii) if the how-to-vote 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;

- (iv) if the card is to be distributed in printed form—the name and address of the printer;
- (v) if a candidate is contesting a seat in the House of Assembly—the name of the district being contested;
- (vi) in the case of a House of Assembly election—
 - (A) immediately before the surname of all candidates contesting the election, figures surrounded by a square indicating the order of preference the candidate recommends for each candidate; or
 - (B) if the how-to-vote card relates to a candidate for whom a voting ticket has been lodged under section 63 of the Act and is identical to a card submitted by or for the candidate under section 66 of the Act, immediately before the surname of that candidate, a figure "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;
- (vii) in the case of a Legislative Council election—
 - (A) 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
 - (B) 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
 - (C) 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.

6—Variation of Schedule 1—Forms

Schedule 1, Form 6—delete Form 6 and substitute:

Application for a Postal Vote			
Office Use Only			
1. Complete Your Details - Please Print			
Surname			
Given Names			
Residential Address for which you claim to be enrolled <small>Post Office box, RMD & 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"> • have not already voted in this election/referendum; and • am eligible for a postal vote for one of the following reasons: (✓ tick one box) 			
<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	See back of this application for detailed description of reasons		
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 returned directly to the Electoral Commission and 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

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

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 12 December 2013

No 277 of 2013

AGO017/04CS