

South Australia

Electoral (Miscellaneous) Variation Regulations 2017

under the *Electoral Act 1985*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electoral (Miscellaneous) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which section 4 of the *Electoral (Legislative Council Voting and Other Measures) Amendment Act 2017* 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—Substitution of regulation 6

Regulation 6—delete the regulation and substitute:

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

- (1) For the purposes of sections 53(2)(b) and 53A(2)(b) of the Act, a deposit of the prescribed amount in respect of a candidate nominating for election as a member of the House of Assembly or the Legislative Council is to be paid in the following manner:
 - (a) by banker's cheque; or
 - (b) by electronic funds transfer of the amount into an ADI account specified by the Electoral Commissioner.
- (2) For the purposes of paragraph (b) of the definition of *prescribed amount* in sections 53(11) and 53A(6) of the Act, the amount of \$3 000 is prescribed.

5—Variation of regulation 7—Procedure for lots (sections 59, 60, 93, 95 and 96)

Regulation 7(2)—delete subregulation (2) and substitute:

- (2) A lot must be carried out, subject to any necessary modifications, in the manner described in subregulations (4) to (7) (inclusive) to make 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.

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

Regulation 9(1)—delete subregulation (1) and substitute:

- (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—
 - (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, which must appear at the bottom of the card;
 - (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;
- (c) if the card relates to a Legislative Council election—
 - (i) in the case of a card submitted by or on behalf of a group of candidates who have requested a group voting square under section 58 of the Act—the card must contain either or both of the following:
 - (A) —
 - the number "1" surrounded by a group voting square adjacent to the name or description of a group, and (if the group submitting the card wishes) further numbers (which must be consecutive and commence with the number "2") surrounded by other group voting squares that appear on the card; and
 - a statement to the effect that the elector may express preferences for other groups as the elector sees fit;

- (B) immediately before the surname of all candidates whose names appear on the card, numbers surrounded by a square indicating the order of preference the group recommends for each of those candidates, together with a statement to the effect that an elector must express a preference for at least 12 candidates; or
- (ii) in any other case—the card must contain, immediately before the surname of all candidates whose names appear on the card, numbers surrounded by a square indicating the order of preference the candidate recommends for each of those candidates, together with a statement to the effect that an elector must express a preference for at least 12 candidates;
- (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
- (e) the card may be submitted in electronic form.

7—Insertion of regulation 9A

After regulation 9 insert:

9A—Person entitled to make declaration vote for a reason of a prescribed nature (section 71)

For the purposes of section 71(2)(b)(vii) of the Act, an elector who is precluded from voting at a polling booth by reason of the elector being a resident of any of the following correctional institutions is entitled to make a declaration vote:

- (a) Adelaide Remand Centre;
- (b) Port Augusta Prison;
- (c) Yatala Labour Prison.

8—Variation of regulation 15—Prescribed requirements for how-to-vote cards (section 112A)

Regulation 15(3)—delete subregulation (3) and substitute:

- (3) For the purposes of section 112A(2)(a) and (b) of the Act, 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;
 - (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 Act that is identical to a card submitted by or for the candidate under section 66 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) if the card relates to a Legislative Council election—
 - (i) in the case of a card lodged by or on behalf of a group of candidates who have requested a group voting square under section 58 of the Act—the card must contain either or both of the following:
 - (A) —

- the number "1" surrounded by a group voting square adjacent the name or description of a group, and (if the group lodging the card wishes) further numbers (which must be consecutive and commence with the number "2") surrounded by other group voting squares that appear on the card; and
 - a statement to the effect that the elector may express preferences for other groups as the elector sees fit;
- (B) immediately before the surname of all candidates whose names appear on the card, numbers surrounded by a square indicating the order of preference the group recommends for each of those candidates, together with a statement to the effect that an elector must express a preference for at least 12 candidates; or
- (ii) in any other case—the card must contain, immediately before the surname of all candidates whose names appear on the card, numbers surrounded by a square indicating the order of preference the candidate recommends for each of those candidates, together with a statement to the effect that an elector must express a preference for at least 12 candidates.

9—Insertion of regulation 21B

After regulation 21A insert:

21B—Return in respect of gifts to relevant entities—additional information (section 130ZH)

In accordance with section 130ZZH(2)(a) of the Act, a return required to be furnished to the Electoral Commissioner under section 130ZH of the Act must indicate the name and address of the person making the gift to the relevant entity.

10—Variation of Schedule 1—Forms

(1) Schedule 1, Form 1—delete Form 1 and substitute:

Form 1

South Australia
Ballot Paper for the Election of (a) Legislative Councillors
 You are not legally obliged to mark the ballot paper

YOU MAY VOTE BY

EITHER
 Placing the number 1 in the square next to the group of your choice. You can show more choices if you want to by placing numbers in the other squares starting with the number 2

OR
 Numbering at least 12 of these squares in the order of your choice

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IU	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	JJ	JK	JL	JM	JN	JO	JP	JQ	JR	JS	JT	JU	JV	JW	JX	JY	JZ	KA	KB	KC	KD	KE	KF	KG	KH	KI	KJ	KK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KU	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LL	LM	LN	LO	LP	LQ	LR	LS	LT	LU	LV	LW	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MU	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NU	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OU	OV	OW	OX	OY	OZ	PA	PB	PC	PD	PE	PF	PG	PH	PI	PJ	PK	PL	PM	PN	PO	PP	PQ	PR	PS	PT	PU	PV	PW	PX	PY	PZ	QA	QB	QC	QD	QE	QF	QG	QH	QI	QJ	QK	QL	QM	QN	QO	QP	QQ	QR	QS	QT	QU	QV	QW	QX	QY	QZ	RA	RB	RC	RD	RE	RF	RG	RH	RI	RJ	RK	RL	RM	RN	RO	RP	RQ	RR	RS	RT	RU	RV	RW	RX	RY	RZ	SA
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(2) Schedule 1, Form 1A—delete Form 1A and substitute:

Form 1A

South Australia
Ballot Paper for the Election of (a) Legislative Councillors
 You are not legally obliged to mark the ballot paper

YOU MAY VOTE BY

EITHER
 Placing the number 1 in the square next to the group of your choice. You can show more choices if you want to by placing numbers in the other squares starting with the number 2

OR
 Numbering at least 12 of these squares in the order of your choice

A <input type="checkbox"/> (b)	B <input type="checkbox"/> (b)	J <input type="checkbox"/> (b)	K <input type="checkbox"/> (b)	L <input type="checkbox"/> (b)
M <input type="checkbox"/> (b)	N <input type="checkbox"/> (b)	V <input type="checkbox"/> (b)		

A <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)	B <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)	J <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)	K <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)	L <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)
M <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)	N <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)	V <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b) <input type="checkbox"/> (c) (b)		

○

Issuing Officer Initials

After voting, fold the ballot paper and place it in the ballot box or declaration envelope

(a) Insert here number of vacancies
 (b) If to be printed, insert here:
 - registered name or abbreviation of registered political party; or
 - composite name or composite abbreviation of two registered political parties; or
 - description 'Independent', or
 - description 'Independent' followed by not more than 3 additional words.
 (c) Insert here name of candidate
 * Ungrouped candidates
 ** insert additional ungrouped candidates if required

(3) Schedule 1, Forms 3 to 7—delete Forms 3 to 7 (inclusive) and substitute:

Form 3

Declaration Vote Application - Pre-poll

1. Elector Details			
Roll Number			
Name of District			
Surname			
Given Names			
Residential Address for which you claim to be enrolled (if not suppressed from publication)			
Date of Birth	Day	Month	Year

Unenrolled - I claim my name, as a result of an official error, does not appear on the certified list of electors for my district

2. Elector Declaration	
I declare that I:	
<input type="checkbox"/> Declared Institution	<input type="checkbox"/> Advanced Pregnancy
<input type="checkbox"/> Distance	<input type="checkbox"/> Caring for Others
<input type="checkbox"/> Travelling	<input type="checkbox"/> Religion
<input type="checkbox"/> Illness, Infirmary or Disability	<input type="checkbox"/> Working
See the reverse of this declaration for detailed descriptions of each reason	
Signature or Mark of Elector	

3. Issuing Officer to Complete	
I certify that this elector is entitled to receive declaration voting papers	
Issuing Place	Issuing Date
Issuing Officer's Signature	

<p>Entitlement to vote prior to polling day</p> <p>You are entitled to vote prior to polling day if you are precluded from attending a polling booth on polling day for one of the reasons listed adjacent.</p>	<p>Reasons to vote prior to polling day</p> <p>Declared Institution - I am a resident of a declared institution.</p> <p>Distance - During the hours of polling I am unlikely to be within 8 km from any polling booth.</p> <p>Travelling - During the hours of polling I will be travelling under conditions that preclude my attendance at a polling booth.</p> <p>Illness, Infirmary or Disability - I suffer illness, infirmity or disability that will preclude my attendance at a polling booth.</p> <p>Advanced Pregnancy - By polling day my pregnancy will be advanced which will preclude my attendance at a polling booth.</p> <p>Caring for Others - I am caring for a person who is seriously ill, infirm or disabled which will preclude my attendance at a polling booth.</p> <p>Religion - Membership of religious order or having religious beliefs that will preclude my attendance at a polling booth.</p> <p>Working - I am working during the hours of polling and will not be able to leave my place of work to attend a polling booth.</p>
<p>Offences under the Electoral Act</p> <p>You must sign a written declaration setting out the reason you are entitled to vote prior to polling day.</p> <p>Under Section 124 of the Electoral Act 1985</p> <p>(1) A person must not—</p> <ul style="list-style-type: none">(a) exercise or attempt to exercise a vote to which he or she is not entitled; <i>or</i>(b) vote more than once at the same election; <i>or</i>(c) make a statement in any claim, application, return, or declaration, or in answer to a question, under this Act that is, to his or her knowledge, false or misleading in a material respect. <p>Maximum penalty: \$2 500 or imprisonment for 6 months.</p>	

Form 4

Declaration Vote Application - Polling Booth

1. Elector Details			
Roll Number			
Name of District			
Surname			
Given Names			
Residential Address for which you claim to be enrolled (if not suppressed from publication)			
Date of Birth	Day	Month	Year
Former Surname			

2. Elector Declaration	
I declare that I have not previously voted in this election/referendum and am entitled to a declaration vote because: (✓ Tick one box)	
Absent <input type="checkbox"/> I choose to attend a polling booth outside my enrolled district	Unenrolled <input type="checkbox"/> As a result of official error my name does not appear on the certified list of electors for the district
Suppressed Address <input type="checkbox"/> My address has been suppressed from publication	Already Voted? <input type="checkbox"/> I appear, as a result of an error, to have already voted in this election/referendum
Signature or Mark of Elector	

3. Issuing Officer to Complete	
I certify that this elector is entitled to receive declaration voting papers	
Polling Place	
Date of election/referendum	
Issuing Officer's Signature	Issuing Date

Form 5

Declaration Vote Envelope - Postal

<p>1. Elector Details</p> <p>Elector Number Issue Date Election Date Elector Name & Enrolled Address</p> <p>DISTRICT Issue Reason Date of Birth</p> <p>BARCODE Elector Name Postal Street Address 1 Postal Street Address 2 Suburb STATE Postcode</p>	
<p>2. Elector Declaration</p> <p>I declare that I:</p> <ul style="list-style-type: none"> • am entitled to a declaration vote; • have not already voted in this election/referendum; • confirm my personal details on this declaration vote envelope are correct; and • completed my ballot papers and this declaration before 6pm (South Australian time) on polling day (penalties apply see overleaf) <p style="text-align: right;">Signature or Mark of Elector</p>	
<p>3. Authorised Witness to Complete</p> <p>Surname</p> <p>Given Names</p> <p>Address</p> <p>I certify that the elector or authorised witness (see overleaf) signed/marked this declaration in my presence before 6pm (South Australian time) on polling day.</p> <p>Signature of Authorised Witness</p> <p style="text-align: right;">Date / /</p>	

Notes - For Your Vote To Count

- Read the Postal Voting Guide.
- Complete and sign the Elector Declaration.
 - In the case of a person incapable of making their mark where a certificate to that effect from a medical practitioner was provided with their application, an authorised witness may sign the declaration on the person's behalf.
- 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

1. Elector Details			
Surname			
Given Names			
Residential Address for which you claim to be enrolled PO Box, RMD & RSD numbers are not acceptable			
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. Elector Declaration			
I declare that I: <ul style="list-style-type: none"> • have not previously voted in this election/referendum; and • am eligible for a postal vote for one of the following reasons: 			
<input type="checkbox"/> Distance	<input type="checkbox"/> Religion		
<input type="checkbox"/> Travelling	<input type="checkbox"/> Working		
<input type="checkbox"/> Illness, Infirmary or Disability	<input type="checkbox"/> Declared Institution		
<input type="checkbox"/> Advanced Pregnancy	<input type="checkbox"/> Prescribed Correctional Institution		
<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 Person or Witness only if elector is unable to sign (see reverse)		Date	
		/ /	

Qualification to apply for a Postal Vote

Distance - During the hours of polling I am unlikely to be within 8 km from any polling booth.

Travelling - During the hours of polling I will be travelling under conditions that preclude my attendance at a polling booth.

Illness, Infirmary or Disability - I suffer illness, infirmity or disability that will preclude my attendance at a polling booth.

Advanced Pregnancy - By polling day my pregnancy will be advanced which will preclude my attendance at a polling booth.

Caring for Others - I am caring for a person who is seriously ill, infirm or disabled which will preclude my attendance at a polling booth.

Religion - Membership of religious order or having religious beliefs that will preclude my attendance at a polling booth.

Working - I am working during the hours of polling and will not be able to leave my place of work to attend a polling booth.

Declared Institution - I am a resident of a declared institution.

Prescribed Correctional Institution - I am a resident at Adelaide Remand Centre, Port Augusta Prison or Yatala Labour Prison.

Obligations of Authorised Witness or Person

An authorised witness or person may sign the declaration in the space provided that the person:

- is any person (other than a candidate in the election) who is at least 18 years of age, and
- in the case that the applicant is able to make a distinguishing mark, the authorised witness or person saw the applicant make that **mark** in the space provided for the applicant's signature, or
- in the case that the applicant is incapable of making their mark, a **certificate** from a medical practitioner to that effect has been included with this application

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 2017

No 329 of 2017

AGO0134/17CS