

South Australia

# Electoral Regulations 2024

under the *Electoral Act 1985*

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# Part 1—Preliminary

## 1—Short title

These regulations may be cited as the *Electoral Regulations 2024*.

## 3—Interpretation

In these regulations—

*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 2 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 3 must be used where there are more than 20 groups of candidates and individual candidates to be printed on the ballot paper.

# Part 2—Electoral rolls

## 5—Provision of certain information

- (1) For the purposes of section 27A(1) of the Act, the following are prescribed authorities:
  - (a) the Commissioner of Police;
  - (b) the Commissioner of State Taxation;
  - (c) the Chief Executive of the administrative unit that is, under a Minister, responsible for the administration of the *Health Care Act 2008*;
  - (d) the Chief Executive of the administrative unit that is, under a Minister, responsible for the administration of the *Taxation Administration Act 1996*;
  - (e) the Independent Commission Against Corruption;

- (f) the Inspector appointed under Schedule 4 of the *Independent Commission Against Corruption Act 2012*;
  - (g) the Office for Public Integrity;
  - (h) the Sheriff, deputy sheriffs and sheriff's officers;
  - (i) the South Australian Superannuation Board.
- (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.

## **Part 3—Registration of political parties**

### **6—Nomination of party entitled to rely on person**

- (1) For the purposes of section 36(4)(a) of the Act, the Electoral Commissioner must give a person relied on by 2 or more political parties an opportunity to nominate the party entitled to rely on the person by giving the person a notice advising the person that—
- (a) the person is being relied on by 2 or more parties for the purposes of Part 6 of the Act; and
  - (b) the Act prevents the person from being so relied on; and
  - (c) the person may nominate the party entitled to rely on the person for the purposes of Part 6 of the Act; and
  - (d) the nomination must be in writing and sent to the Electoral Commissioner; and
  - (e) if no such nomination is received by the Electoral Commissioner within 28 days of the date of the notice, the person is not entitled to be relied on by any of the parties.
- (2) For the purposes of section 36(4)(b) of the Act, the Electoral Commissioner must give a party an opportunity to change a person or persons on whom it relies by giving the registered officer of the party a notice advising the registered officer that—
- (a) the registration of the party is liable to be cancelled because of the provisions of section 36 of the Act; and
  - (b) the party may change the person or persons on whom it relies—
    - (i) in the case of a party that is not a parliamentary party—by providing to the Electoral Commissioner—
      - (A) the name and address of the person, or names and addresses of the persons, on whom the party proposes to rely in place of the person or persons on whom the party may no longer rely as a result of the operation of section 36 of the Act; and

- (B) a declaration or declarations of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the person or persons referred to in subsubparagraph (A) (on whom the party proposes to rely); or
- (ii) in the case of a parliamentary party—by providing to the Electoral Commissioner—
  - (A) the name and address of the member on whom the party proposes to rely in place of the person on whom the party may no longer rely as a result of the operation of section 36 of the Act; and
  - (B) a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the member referred to in subsubparagraph (A); and
- (c) details to be provided under paragraph (b)—
  - (i) must be in writing and sent to the Electoral Commissioner; and
  - (ii) must be received by the Electoral Commissioner within 28 days of the date of the notice.

## 7—Returns and other inquiries

- (1) For the purposes of section 43A(1) of the Act, the prescribed form for a return is set out in Form 1 in Schedule 1.
- (2) For the purposes of section 43A(2) of the Act, the following documents are required:
  - (a) in the case of a party that is not a parliamentary party—
    - (i) a document that sets out the prescribed particulars of 200 electors who are members of the party and on whom the party relies for the purpose of qualifying as an eligible political party; and
    - (ii) a declaration (in the form determined by the Electoral Commissioner) completed and signed within the period to which the return relates by the registered officer of the party and verifying the information set out in the document referred to in subparagraph (i);
  - (b) in the case of a parliamentary party—
    - (i) a document that sets out the name and address of the member on whom the party relies for the purpose of qualifying as an eligible political party; and
    - (ii) a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed within the period to which the return relates by the member on whom the party relies for the purpose of qualifying as an eligible political party.
- (3) In this regulation—
  - prescribed particulars*** of an elector means—
    - (a) the name and address of the elector (as enrolled); and

- (b) a telephone number and an email address at which the elector may be contacted.

### **7A—Notification of changes in registered political party—prescribed particulars**

For the purposes of section 43B of the Act, the following particulars are prescribed:

- (a) the party's objects;
- (b) the party's constitution (and notification is to be effected by providing the Electoral Commissioner with an up to date copy of the constitution);
- (c) the procedure for amending the party's constitution;
- (d) the rules for membership of the party, including the procedure for accepting a person as a member and ending a person's membership;
- (e) the party structure;
- (f) the manner in which the party manages its internal affairs;
- (g) the procedure for selecting a person to hold an office in the party or for removing a person from office;
- (h) any officer or member of the party responsible for ensuring the party complies with Part 13A of the Act.

### **7B—Audits by Electoral Commissioner—prescribed requirement**

- (1) For the purposes of section 43C(1) of the Act, before the commencement of an audit of the activities or documents of a political party under that section, notice must be served on the registered officer of the political party setting out—
  - (a) the name of the political party to be audited; and
  - (b) the fact that an audit is to be conducted under section 43C.
- (2) For the purposes of section 43C(1) of the Act, a person performing an audit under that section must, before requiring a party, its agent or any officer of the party to give access to documents or give information or explanations in accordance with section 43C(2), give the party, agent or officer (as the case requires) notice setting out the requirement and the time within which it must be complied with.

### **8—Membership information relating to registration—prescribed persons**

For the purposes of section 46B of the Act, the following are prescribed persons:

- (a) the Crown Solicitor for the State of South Australia;
- (b) a police officer;
- (c) an employee of the administrative unit that is, under a Minister, responsible for the administration of the *Criminal Law Consolidation Act 1935* engaged in the investigation of an offence against the *Electoral Act 1985*.

## Part 4—Election candidates

### 9—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—
  - (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.

### 10—Procedure for lots (sections 59, 60, 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 groups referred to in section 59(1)(ba) of the Act; and
  - (c) the order of the names of the candidates referred to in section 59(1)(c) of the Act; and
  - (d) 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 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.
- (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.

## 11—Photographs of candidates

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 a full-faced vertical portrait of the candidate's head and shoulders; and
- (b) be at least 15 cm in length and at least 10 cm in width; and
- (c) 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.

## Part 5—Voting

### 12—Person entitled to make declaration vote for a reason of a prescribed nature

For the purposes of section 71(2)(b)(vii) of the Act, an elector who is precluded from voting at a polling booth for either (or both) of the following reasons is entitled to make a declaration vote:

- (a) for the reason that the elector is a resident of an institution;
- (b) for the reason that the elector is subject to a direction under section 25 of the *Emergency Management Act 2004* that requires the elector to quarantine or isolate during the hours of polling.

### 13—Applications for voting papers

- (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 5, 6 or 7 in Schedule 1 (whichever is appropriate in the circumstances); or
  - (b) an application containing the information that would have been required to complete Form 5, 6 or 7 in Schedule 1 (whichever is appropriate in the circumstances).
- (2) An oral application may not be made until the day after the nomination day.

### 14—Prescribed mark

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.

### 15—Prescribed manner for issue or dispatch of declaration voting papers

For the purposes of section 74(2a)(b) of the Act, 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.

### 16—Electronically assisted voting for sight-impaired electors—preliminary

- (1) For the purposes of section 84A(2)(a)(i) of the Act, the electronically assisted voting method is the method set out in regulation 17.
- (2) For the purposes of section 84A(2)(a)(iii) of the Act, the Electoral Commissioner is to determine, by notice in the Gazette, the places, days and times at which the electronically assisted voting method is to be made available.
- (3) In accordance with section 84B(2)(a) of the Act, a sight-impaired elector issued with an envelope with a declaration to be made by the elector (a *declaration envelope*) for the purposes of casting an electronically assisted vote will be taken for the purposes of the Act—
  - (a) to have been issued with declaration voting papers; and
  - (b) to have had the vote taken before the officer issuing the declaration envelope.

### 17—Electronically assisted voting method—VoteAssist

- (1) A sight-impaired elector may vote by means of the computer program VoteAssist by—
  - (a) listening to audio instructions and recording their vote electronically using a numeric keypad in a manner that allows their vote to remain private; and
  - (b) confirming the record of their vote and indicating that the record be printed on the ballot paper; and

- (c) removing the ballot paper from the printer.
- (2) In accordance with the requirements for the casting of a declaration vote under the Act, a sight-impaired elector voting by means of VoteAssist must also—
  - (a) sign the appropriate declaration on the envelope (which must be signed by the person before whom the vote is taken as witness); and
  - (b) place the completed ballot paper in the envelope and seal the envelope; and
  - (c) deposit the envelope in a ballot box or another secure facility or immediately transmit or cause the transmission of the envelope by the officer before whom the vote is taken to the appropriate returning officer.
- (3) A person must, on request, provide to the Electoral Commissioner evidence that the person is a sight-impaired elector and eligible to vote by means of the electronically assisted voting method set out in this regulation.
- (4) The Electoral Commissioner must ensure that a place at which a sight-impaired elector casts their vote in accordance with this regulation is properly staffed with a presiding officer, poll clerks and any other necessary staff.
- (5) A sight-impaired elector voting in accordance with this regulation may be assisted by—
  - (a) the person before whom their vote is taken; or
  - (b) a person who is acceptable to that person,

who may assist the sight-impaired elector in any of the following ways:

- (c) by acting as an interpreter;
  - (d) by explaining the elector's obligations under the Act in relation to the recording of an electronically assisted vote;
  - (e) by collecting the elector's completed ballot paper from the printer;
  - (f) by folding the ballot paper, placing it in the appropriate envelope and sealing the envelope;
  - (g) by assisting the elector to complete the appropriate declaration on the envelope that is to contain the ballot paper;
  - (h) by depositing the envelope in a ballot box;
  - (i) by providing any other assistance as required and approved by the presiding officer.
- (6) A person must not destroy or interfere with a computer program, data file or electronic device used or intended to be used for or in connection with the electronically assisted voting method set out in this regulation.

Maximum penalty: \$5 000.

## 17A—Voting for eligible electors using telecommunications technology (section 84D)

- (1) The method by which an eligible elector may vote using telecommunications technology is the following telephone assisted voting method:
  - (a) the eligible elector is to call the telephone number determined by the Electoral Commissioner for the purposes of this regulation, verify their identity in accordance with any requirements of the Electoral Commissioner and obtain a unique identifying number (being a number provided to the eligible elector for the purposes of their telecommunications technology vote);
  - (b) the eligible elector must then communicate their unique identifying number to another person, being the person before whom their vote is to be taken (a **voting assistant**) in accordance with any requirements of the Electoral Commissioner;
  - (c) the voting assistant must—
    - (i) if requested to do so by the eligible elector, read aloud the contents of the ballot paper for the relevant House of Assembly district to the eligible elector, including the list of candidates in the order they appear on the ballot paper; and
    - (ii) ask the eligible elector to communicate their order of preference for those candidates; and
    - (iii) mark the eligible elector's vote on the ballot paper;
  - (d) the voting assistant must then read the marked vote aloud to the eligible elector and confirm that the vote has been accurately marked;
  - (e) if the eligible elector does not confirm their vote but seeks to amend it, the voting assistant must mark the amendments and then read the amended vote aloud to the eligible elector and confirm that the amended vote has been accurately marked;
  - (f) if relevant, the voting assistant must then—
    - (i) if requested to do so by the eligible elector, read aloud the contents of the ballot paper for the Legislative Council district to the eligible elector; and
    - (ii) ask the eligible elector to communicate their order of preference for the groups or candidates (to the extent required under section 76(1) of the Act); and
    - (iii) mark the eligible elector's vote on the ballot paper,and repeat the steps referred to in paragraphs (d) and (e) in respect of the telecommunications technology vote for the Legislative Council election;
  - (g) a person authorised by the Electoral Commissioner to witness telecommunications technology votes (an **authorised witness**) must—
    - (i) observe and listen to the entire telephone communication between the eligible elector and the voting assistant; and

- (ii) observe the carrying out of the steps referred to in paragraphs (b) to (f) (inclusive) and ensure that they are properly performed by the voting assistant, including, in particular, that the eligible elector's vote is accurately marked; and
  - (iii) record the House of Assembly district in which the eligible elector is enrolled and unique identifying number on the declaration envelope; and
  - (iv) complete and sign the appropriate declaration on the declaration envelope on the eligible elector's behalf; and
  - (v) fold and place the ballot paper or papers (as the case requires) in the declaration envelope and seal the envelope; and
  - (vi) deposit the envelope in a ballot box; and
  - (vii) provide any other assistance as required and approved by the Electoral Commissioner.
- (2) A person must, on request, provide to the Electoral Commissioner evidence that the person is an eligible elector and eligible to vote by means of the voting method under this regulation.
- (3) In accordance with section 84D(3)(a) of the Act, an eligible elector on whose behalf an envelope with a declaration relating to the elector (a *declaration envelope*) is completed and signed in accordance with the voting method under this regulation will be taken for the purposes of the Act—
- (a) to have been issued with declaration voting papers; and
  - (b) to have had the vote taken before an officer (being the person completing and signing the declaration envelope).
- (4) The Electoral Commissioner must publish on a website maintained by the Electoral Commissioner the following for the purposes of the use of the voting method under this regulation in an election:
- (a) the telephone number referred to in subregulation (1)(a);
  - (b) the days and times at which the voting method is to be available.

### **18—Notice to be sent by Electoral Commissioner—prescribed period**

- (1) For the purposes of section 85(3) of the Act, the prescribed period is 90 days.
- (2) For the purposes of section 85(3) of the Act, the prescribed form is Form 9 in Schedule 1.

## Part 5A—Scrutiny

### 18A—Preliminary scrutiny—verification of identity

For the purposes of section 91(1)(b)(i)(A) of the Act, the identity of an elector is to be verified—

- (a) in the case of an elector registered on the register of declaration voters maintained under section 74 of the Act—by verifying that the elector is registered on that register and (except in the case of an elector whose address has been suppressed from publication under Part 4 Division 2 of the Act) that the elector's address on the electoral roll corresponds to the address of the elector's principal place of residence on the register, and by verifying the identity of the elector by reference to any other details of the elector in accordance with any determination of the Electoral Commissioner; or
- (b) in the case of an elector whose application for declaration voting papers was made in printed form—by verifying that the signature of the elector corresponds with the signature on the application for declaration voting papers; or
- (c) in any other case—by verifying that the identity verification answer provided by the elector corresponds to an extent considered reasonable by the returning officer or deputy returning officer with the identity verification answer provided in response to the relevant question on the application for declaration voting papers.

## Part 6—How to vote cards

### 19—Requirements for how-to-vote cards for inclusion in posters

- (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) 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—
        - in the case of a card authorised by a candidate who has been given an approval under section 112A(1a) of the Act—the post office box address for the candidate and the suburb in which the candidate resides; or

- in any other case—the address of the person who authorised the card,

which must appear at the bottom of the card;

- (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";
  - (e) the card may be submitted in electronic form.
- (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 contained on or otherwise appear on the card.

## 20—Prescribed requirements for how-to-vote cards

- (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 subregulation 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, 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—
      - (A) in the case of a card authorised by a candidate who has been given an approval under section 112A(1a) of the Act—the post office box address for the candidate and the suburb in which the candidate resides; or

- (B) in any other case—the address of the person who authorised the card,
- which must appear at the bottom of the card;
- (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 to 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.

## **Part 6A—Reviewable decisions**

### **20A—Reviewable decisions**

For the purposes of section 100(1)(d) of the Act, the following decisions are prescribed:

- (a) a decision of the Electoral Commissioner as to the registration of a nominated entity under section 130JC of the Act;
- (b) a decision of the Electoral Commissioner to remove the name and address of an entity from the Register of Nominated Entities under section 130JD(5) of the Act;
- (c) decision of the Electoral Commissioner under section 130PE(2) of the Act to require repayment of an amount under sections 130PA to 130PD of the Act (inclusive);
- (d) a decision of the Electoral Commissioner as to the registration of a third party under section 130ZUD of the Act;
- (e) a decision of the Electoral Commissioner to cancel the registration of a third party on the Electoral Commissioner's own initiative under section 130ZUF(2)(b) of the Act.

## **Part 7—Electoral advertisements and other materials**

### **21—Prescribed class of articles**

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.

### **22—Exhibition of electoral advertisements—prescribed circumstances**

- (1) For the purposes of section 115(3)(c) of the Act, subsection (1) of that section does not apply in relation to the exhibition of electoral advertisements in the following circumstances:
  - (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.
- (2) For the purposes of section 115(2b)(c)(ii) of the Act, subsection (2a) of that section does not apply in relation to the exhibition of an electoral advertising poster in the following circumstances:
  - (a) the exhibition of an electoral advertising poster that is attached to an office or committee room of a political party, member of Parliament or candidate in an election, provided that the place of exhibition is more than 100 m from the entrance to a polling booth open for polling;
  - (b) the exhibition of an electoral advertising poster that is adhered to a vehicle or exhibited on the roof of, or a trailer (within the meaning of the *Motor Vehicles Act 1959*) attached to, a vehicle;
  - (c) the exhibition of an electoral advertising poster that is attached to fencing or fixtures in or around the following:
    - (i) an enclosed area of land commonly used for playing sports or games, or accommodating the spectators at any sport or game;
    - (ii) an enclosed area of land contiguous to, and used in connection with, land referred to in subparagraph (i),  
if the poster is exhibited as part of a paid sponsorship in relation to sports or games played on the land;
  - (d) the exhibition of an electoral advertising poster at a show or fair by a political party or member of Parliament, or a candidate or group in an election (the *exhibitor*), if—
    - (i) the show or fair is organised by a person or body that is not—
      - (A) a political party, associated entity (within the meaning of section 130A of the Act) or member of Parliament; or
      - (B) a candidate or group in an election; and
    - (ii) the exhibitor holds or sponsors a stall at the show or fair (whether involving the payment of a fee or otherwise) or pays money in sponsorship of the show or fair;
  - (e) the exhibition of an electoral advertising poster that is adhered to a person's rubbish bin if the bin is placed on the kerbside by the person in the usual way for the purposes of a regular roadside rubbish collection service.

### 23—Prescribed classes of material

- (1) For the purposes of section 116(2)(e) of the Act, material in a public forum within a journal published in electronic form on the Internet is prescribed.

- (2) In this regulation—

*journal* has the same meaning as in section 116 of the Act;

*public forum* means a weblog, survey or other forum in which members of the public may post comments.

### 24—Requirements for electoral advertising posters near polling booths

For the purposes of section 125(1b) of the Act, an electoral advertising poster exhibited under section 125(1a) must comply with the requirements under Part 13 of the Act relating to electoral advertisements.

## Part 8—Election funding, expenditure and disclosure

### 25—Interpretation—definition of auditor (section 130A)

For the purposes of the definition of *auditor* in section 130A(1) of the Act, a person has the prescribed qualifications if the person is a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth.

### 26—Interpretation—definition of donation (section 130A)

For the purposes of paragraph (n) of the definition of *donation* in section 130A(1) of the Act, the following kinds of dispositions are prescribed:

- (a) a payment by a person or body to an officer or employee of the person or body who is a member of the governing body of a registered political party consisting of remuneration or expenses for the performance of their functions as a member of that governing body;
- (b) a payment of remuneration or expenses by a person or body to an officer or employee of the person or body whose functions as an officer or employee include electoral campaigning for a registered political party, group or candidate, unless the electoral campaigning is the primary employment function of the officer or employee;
- (c) the provision of a venue or premises for no consideration or for inadequate consideration for an event held by a registered political party for the performance of administrative functions relating to communication with members of the party on administrative, operational or management matters;
- (d) a subscription for membership of an associated entity of \$250 (2026 indexed) or less per year, provided that the associated entity does not use any such amounts for political expenditure.

#### Note—

The use of allowances and expenses under Part 3 of the *Parliamentary Business Resources Act 2017* of the Commonwealth by a member of the Parliament of the Commonwealth is not affected by Part 13A of the *Electoral Act 1985*.

Payments by an employer in respect of leave entitlements of an employee (including an employee of a third party) who engages in electoral campaigning for a participant in an election while on such leave are not donations to the participant under Part 13A of the *Electoral Act 1985*.

## **27—Interpretation—definition of political expenditure (section 130A)**

- (1) For the purposes of paragraph (e) of the definition of *political expenditure* in section 130A(1) of the Act, political expenditure includes expenditure incurred for the following purposes:
  - (a) the production, display and distribution of electoral matter;
  - (b) stationery for use in the production of electoral matter;
  - (c) postage of electoral matter;
  - (d) mobile telephones used by a candidate or prescribed staff solely for election campaign purposes;
  - (da) computer software that enables the electronic distribution of electoral matter (such as emails or text messages containing electoral matter) and services associated with that software;
  - (e) employing or engaging a person as prescribed staff under a contract, agreement or other arrangement entered into during the capped expenditure period;
  - (f) office accommodation and associated expenditure for a candidate in an election or for prescribed staff, other than office accommodation and associated expenditure in relation to an office that is the headquarters of a registered political party.
- (2) Despite subregulation (1)(e)—
  - (a) political expenditure does not include expenditure incurred for the purpose of employing or engaging a replacement for prescribed staff employed or engaged before the commencement of the capped expenditure period; and
  - (b) if prescribed staff employed or engaged before the commencement of the capped expenditure period undertake additional hours of work during the capped expenditure period, political expenditure does not include expenditure incurred on remuneration paid to staff for the additional hours of work.
- (3) For the purposes of paragraph (j) of the definition of *political expenditure* in section 130A(1) of the Act, political expenditure does not include expenditure of the following kinds:
  - (a) expenditure incurred in employing or engaging—
    - (i) an auditor required for the purposes of the Act; or
    - (ii) any other person for the purpose of ensuring compliance with the Act;
  - (b) expenditure incurred on holding a meeting or advertising for the purposes of selecting or nominating a candidate in an election;

- (c) expenditure incurred by a registered political party or an organisation for the purpose of holding a meeting relating to the general administration of that party or organisation (including the expenditure incurred in advertising such a meeting);
  - (d) expenditure incurred on the following:
    - (i) motor vehicles and motor vehicle accessories;
    - (ii) maintaining or running a motor vehicle;
    - (iii) insuring or registering a motor vehicle;
    - (iv) televisions and television equipment;
    - (v) radios and radio equipment;
    - (vi) electronic devices or equipment for recording sound or visual images;
    - (vii) photographic equipment;
    - (viii) purchasing computer software (other than software referred to in subregulation (1)(da)), hardware and accessories;
    - (ix) purchasing office furniture and equipment;
    - (x) food and drink;
    - (xi) travel undertaken by a candidate in an election or prescribed staff, and associated accommodation.
- (4) In this regulation—
- associated expenditure***, in relation to office accommodation, includes expenditure on the following:
- (a) rental payments (including on property and office equipment);
  - (b) mortgage and related interest payments;
  - (c) utilities such as gas, water and electricity, telephone and Internet;
- motor vehicle*** has the same meaning as in the *Motor Vehicles Act 1959*;
- prescribed staff*** means a person employed or engaged under a contract, agreement or other arrangement—
- (a) as election campaign staff; or
  - (b) to promote, or assist in the promotion of, a registered political party, candidate or group in an election; or
  - (c) to undertake research relating to a matter in an election.
- (5) A reference in the definition of ***prescribed staff*** to the promotion of a registered political party does not include a reference to the promotion of the value of membership of a registered political party.

## **28—Interpretation—definition of political expenditure—third party employees (section 130A)**

For the purposes of paragraph (ia) of the definition of *political expenditure* in section 130A(1) of the Act, a person employed or engaged at any time during the capped expenditure period for an election by a third party solely to perform duties as a member of the third party's election campaign staff is an employee of a prescribed kind.

### **Note—**

Payments by an employer in respect of leave entitlements of an employee (including an employee of a third party) who engages in electoral campaigning for a participant in an election while on such leave are not political expenditure of the employer under Part 13A of the *Electoral Act 1985*.

## **29—Principles for determining amount or value of donations other than money (section 130A)**

For the purposes of section 130A(2) of the Act, the amount or value of a donation consisting of, or including, a disposition of property other than money will be determined in accordance with—

- (a) the principle that the amount or value of the property disposed of is the amount or value that a competent valuer of the property would give to the property based on a fair and reasonable valuation of the property; and
- (b) the principle that written evidence should be obtained for the purpose of determining the amount or value of the property disposed of (and that amount or value should reflect the written evidence).

## **30—Register of Nominated Entities (section 130JA)**

For the purposes of section 130JA(2)(c) of the Act, the date on which the associated entity was appointed as a nominated entity of the relevant registered political party is prescribed.

## **31—Amounts to be paid into State campaign account (section 130L)**

- (1) Subject to subregulation (2), for the purposes of section 130L(4) of the Act, a levy paid to a registered political party by a person in respect of the person's membership of the party is not required to be paid into the party's State campaign account.
- (2) If a levy (or part of a levy) referred to in subregulation (1) is to be used for the purposes of political expenditure, the agent of the registered political party must ensure that the levy (or the relevant part of the levy) is transferred into the party's State campaign account as soon as is reasonably practicable.

## **32—Advance payments—prescribed manner (sections 130PA, 130PB and 130PC)**

For the purposes of sections 130PA(1), 130PB(1) and 130PC(1), (2)(c)(ii)(B) and (3) of the Act, the prescribed manner is payment by electronic funds transfer or such other manner as is determined by the Electoral Commissioner.

### 33—Modification of Part 13A in certain cases (section 139)

In accordance with section 139(2)(g) of the Act, the application of Part 13A of the Act is modified in relation to the resignation of a member of Parliament from a registered political party and the disendorsement of a person by a group, or a person no longer being a member of a group, as follows:

- (a) section 130PC applies as if the following subsections were inserted after subsection (2):
  - (2a) Despite a preceding provision but subject to subsection (2c), if a candidate for a Legislative Council election (held simultaneously with a general election)—
    - (a) was endorsed by a registered political party (the *former party*) at the election at which they were most recently elected; and
    - (b) during their term of office (following that election), resigned from the former party; and
    - (c) is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election),

the Electoral Commissioner must pay advance funding to their agent as follows:

- (d) as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate for the Legislative Council election, pay to the candidate's agent 60% of the notional amount for the former party under section 130PC in respect of that election (and this payment will be treated as "Payment A" to the candidate's agent for the purposes of this Division); and
    - (e) as soon as reasonably practicable after the issue of the writs for the general election, pay to the candidate's agent 20% of the notional amount for the former party under section 130PC in respect of the Legislative Council election (and this payment will be treated as "Payment B" to the candidate's agent for the purposes of this Division).
  - (2b) Despite a preceding provision but subject to subsection (2c), if a candidate for a Legislative Council election (held simultaneously with a general election), other than a candidate of a kind referred to in subsection (2a)—
    - (a) was a member of a group of candidates (the *former group*) at the election at which they were most recently elected; and
    - (b) during their term of office (following that election), was disendorsed by the group or ceased to be a member of the group; and

- (c) is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election),

the Electoral Commissioner must pay advance funding to their agent as follows:

- (d) as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate for the Legislative Council election, pay to the candidate's agent 60% of the notional amount for the former group under section 130PC in respect of that election (and this payment will be treated as "Payment A" to the candidate's agent for the purposes of this Division); and
  - (e) as soon as reasonably practicable after the issue of the writs for the general election, pay to the candidate's agent 20% of the notional amount for the former group under section 130PC in respect of the Legislative Council election (and this payment will be treated as "Payment B" to the candidate's agent for the purposes of this Division).
- (2c) The total amount paid under subsection (2a) or (2b) to the agent of a candidate cannot exceed the amount equal to 80% of the candidate's applicable expenditure cap for the Legislative Council election.

### **33A—Requirement for certain certificates for advance payments (section 130PF)**

In connection with section 130PF(1)(i) of the Act, if the candidates intending to have their names grouped together on the ballot paper have not appointed an agent for the group, the certificate must also state the candidate whose name is to appear first in the group on the ballot papers (being the candidate who is to be taken to be the agent of the group for the purposes of Part 13A of the Act under section 130E(6)).

### **34—Public funding—prescribed period and manner for making of payments (section 130R)**

For the purposes of section 130R(1) of the Act—

- (a) the prescribed period is—
  - (i) if the amount is payable for votes given in an election in respect of which a petition is filed in the Court of Disputed Returns under Part 12 Division 2 of the Act—as soon as is reasonably practicable after the completion of the Court proceedings; or
  - (ii) in any other case—the period ending 120 days after polling day for the election to which the payment relates; and
- (b) the prescribed manner is payment by electronic funds transfer or such other manner as is determined by the Electoral Commissioner.

### **35—Administrative funding for political parties—nomination of party entitled to rely on person (section 130T)**

For the purposes of section 130T(3)(b) of the Act, the Electoral Commissioner must give a person relied on by 2 or more registered political parties an opportunity to nominate the party entitled to rely on the person by giving the person a notice advising the person that—

- (a) the person is being relied on by 2 or more parties for the purposes of Part 13A Division 5 of the Act; and
- (b) the Act prevents the person from being so relied on; and
- (c) the person may nominate the party entitled to rely on the person for the purposes of Part 13A Division 5 of the Act; and
- (d) the nomination must be in writing and sent to the Electoral Commissioner; and
- (e) if no such nomination is received by the Electoral Commissioner within 30 days of the date of the notice, the person is not entitled to be relied on by any of the parties.

### **36—Claims for one-off payments of administrative funding (sections 130UA and 130UB)**

- (1) For the purposes of sections 130UA(3)(a) and 130UB(3)(a) of the Act (and the definition of *prescribed administrative expenditure* in sections 130UA(7) and 130UB(7)), the prescribed date is 1 August 2026.
- (2) The following provisions apply to claims for administrative funding under sections 130UA(1)(b) or 130UB(1)(b) of the Act:
  - (a) a registered political party or non party member (as the case requires) may submit a series of claims for administrative funding under the relevant section;
  - (b) a payment of administrative funding may be made in accordance with a claim if the claim includes evidence (such as an invoice) of the liability for prescribed administrative expenditure incurred (even if payment in respect of that liability has not been made at the time of submitting the claim).

**Note—**

Administrative funding payable under sections 130UA and 130UB of the Act to a registered political party or non party member is subject to a maximum (see sections 130UA(2) and 130UB(2)).

### **37—Modification of Part 13A Division 5 in certain cases (section 130WA)**

- (1) In accordance with section 130WA(3) of the Act, the application of Part 13A Division 5 of the Act is modified in circumstances where 2 or more registered political parties are associated in respect of an election as follows:
  - (a) section 130U applies as if the following subsections were inserted after subsection (2):

- (2aaaa) However, if 2 or more registered political parties are associated in respect of an election, only 1 of the parties has a half yearly entitlement for each half yearly period during which the parties are associated.
  - (2aaa) In connection with subsection (2aaaa), if 2 or more registered political parties are so associated, the parties must give the Electoral Commissioner a notice, in a form determined by the Electoral Commissioner and signed by the agents of each party, specifying which party has the half yearly entitlement referred to in that subsection.
  - (2aa) If 2 or more registered political parties are associated for part of a half yearly period, the parties will be taken for the purposes of this Division to be associated for the whole of the half yearly period.
- (2) In accordance with section 130WA(3) of the Act, the application of Part 13A Division 5 of the Act is modified in circumstances where a registered political party and a non party member are associated in respect of an election as follows:
- (a) section 130U applies as if the following subsections were inserted after subsection (2b):
    - (2c) However, if a registered political party and a non party member are associated in respect of an election, the non party member does not have a half yearly entitlement for each half yearly period during which the registered political party and non party member are associated.
    - (2d) If a registered political party and a non party member are associated for part of a half yearly period, the registered political party and non party member will be taken for the purposes of this Division to be associated for the whole of the half yearly period.

### **37A—Return of certain electoral donations**

- (1) In connection with section 130ZCD(7)(a) of the Act, if a person cannot return an electoral donation that is not an amount of money (after taking all reasonable steps to return it), the person must give the electoral donation to the Electoral Commissioner.
- (2) If the Electoral Commissioner is given an electoral donation under subregulation (1), the Electoral Commissioner may dispose of the electoral donation as the Electoral Commissioner thinks fit and pay any proceeds of the disposal (after deducting the Electoral Commissioner's costs of the disposal) into the Consolidated Account.

### 38—Returns—prescribed details (sections 130ZF, 130ZG, 130ZH and 130ZHA)

- (1) For the purposes of paragraph (a) of section 130ZF(3) of the Act, paragraphs (a)(i) and (b)(i) of sections 130ZG(3), 130ZH(3) and 130ZHA(3) of the Act, paragraph (d) of the definition of *prescribed details* in section 130ZF and paragraph (c) of the definitions of *prescribed details* in sections 130ZG to 130ZHA (inclusive), the prescribed details that must be included in a return are—
  - (a) a declaration that the donation or loan was not from a foreign entity; and
  - (b) the details set out in subregulation (2).
- (2) For the purposes of subregulation (1)(b), the prescribed details in relation to each donation or loan are as follows:
  - (a) in the case of a donation or loan made—
    - (i) on behalf of the members of an incorporated or unincorporated association—
      - (A) the name and address of the association; and
      - (B) the names of the members of the executive committee (however described) of the association; and
    - (ii) out of a trust fund or out of the funds of a foundation—
      - (A) the names of the trustees of the fund or of the funds of the foundation; and
      - (B) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
    - (iii) by or on behalf of a body corporate—
      - (A) the name and address of the body corporate; and
      - (B) the names of the members of the board of the body corporate; and
      - (C) the name of any parent, subsidiary or related body corporate of the body corporate; and
    - (iv) in any other case—the name and address of the person who made the donation or loan;
  - (b) in the case of a donation or loan received—
    - (i) from an incorporated or unincorporated association (on behalf of its members)—
      - (A) the name and address of the association; and
      - (B) the names of the members of the executive committee (however described) of the association; and
    - (ii) from a trust fund or the funds of a foundation—
      - (A) the names of the trustees of the fund or of the funds of the foundation; and

- (B) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
  - (iii) from a body corporate—
    - (A) the name and address of the body corporate; and
    - (B) the names of the members of the board of the body corporate; and
    - (C) the name of any parent, subsidiary or related body corporate of the body corporate; and
  - (iv) in any other case—the name and address of the person from whom the donation or loan was received.
- (3) However, a return to which this regulation applies need not include details of the names of—
  - (a) the members of the executive committee of an incorporated association or the board of a body corporate; or
  - (b) any parent, subsidiary or related body corporate of a body corporate, if those details are contained in a publication that is generally available to be inspected by members of the public and the return identifies the publication and specifies a website address at which it may be accessed or inspected.

### **39—Returns by registered political parties or third parties—prescribed details (sections 130ZN, 130ZO and 130ZP)**

- (1) For the purposes of sections 130ZN(2)(b) and (d), 130ZO(1)(b) and (d) and 130ZP(1)(b) and (d) of the Act and paragraph (d) of the definitions of *prescribed details* in those sections, the prescribed details that must be included in a return are—
  - (a) in the case of an amount received from, or a sum owed to, an incorporated or unincorporated association (on behalf of its members)—
    - (i) the name and address of the association; and
    - (ii) the names of the members of the executive committee (however described) of the association; and
  - (b) in the case of an amount received from, or a sum owed to, a trust fund or the funds of a foundation—
    - (i) the names of the trustees of the fund or of the funds of the foundation; and
    - (ii) the title (or other description) and address of the trust fund or the name of the foundation, as the case requires; and
  - (c) in the case of an amount received from, or a sum owed to, a body corporate—
    - (i) the name and address of the body corporate; and
    - (ii) the names of the members of the board of the body corporate; and
    - (iii) the name of any parent, subsidiary or related body corporate of the body corporate.

**Note—**

Paragraph (c) of the definitions of *prescribed details* in section 130ZN(5), 130ZO(8) and 130ZP(5) of the Act requires disclosure of the name and address of the person from whom the amount or donation (as the case requires) was received or to whom the debt was incurred.

- (2) However, a return to which this regulation applies need not include particulars of the names of—
- (a) the members of the executive committee of an incorporated association or the board of a body corporate; or
  - (b) any parent, subsidiary or related body corporate of a body corporate, if those particulars are contained in a publication that is generally available to be inspected by members of the public and the return identifies the publication and specifies a website address at which it may be accessed or inspected.

**40—Returns by associated entities (section 130ZO and 130ZZH)**

In accordance with section 130ZZH(3) of the Act, the information to be provided in a return under section 130ZO of the Act is reduced such that an associated entity return, other than an associated entity return furnished by a nominated entity of a registered political party, need only set out amounts received or debts incurred for State electoral purposes.

**41—Annual returns for donations received for political expenditure—prescribed details (section 130ZS)**

For the purposes of section 130ZS(2) of the Act and paragraph (c) of the definition of *prescribed details* in section 130ZS(5), the prescribed details that must be included in a return are—

- (a) in the case of an amount received from an incorporated or unincorporated association (on behalf of its members)—
  - (i) the name and address of the association; and
  - (ii) the names of the members of the executive committee (however described) of the association; and
- (b) in the case of an amount received from a trust fund or the funds of a foundation—
  - (i) the names of the trustees of the fund or of the funds of the foundation; and
  - (ii) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
- (c) in the case of an amount received from a body corporate—
  - (i) the name and address of the body corporate; and
  - (ii) the names of the members of the board of the body corporate; and
  - (iii) the name of any parent, subsidiary or related body corporate of the body corporate.

#### **42—Public inspection of returns—prescribed period (section 130ZY)**

The prescribed period for the purposes of section 130ZY(5) of the Act is 3 business days.

#### **43—Agent of party to notify Electoral Commissioner of number of candidates to be endorsed (section 139)**

- (1) For the purposes of Part 13A of the Act, the agent of a registered political party must, in relation to an election, notify the Electoral Commissioner of the number of House of Assembly districts in which the party intends to endorse candidates for election and the number of candidates that the party intends to endorse for election in any simultaneous Legislative Council election.
- (2) Notification under subregulation (1) must be given in the certificate seeking advance funding lodged by the agent in respect of the election (or at any time before lodgement of that certificate).

#### **44—Agent of party to notify Electoral Commissioner of disendorsement of candidate (section 139)**

- (1) For the purposes of Part 13A of the Act, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed, the agent of the party must, as soon as is reasonably practicable after the disendorsement (and in any event no later than 7 days after the disendorsement), give to the Electoral Commissioner a notice setting out—
  - (a) the name of the candidate; and
  - (b) the date of the disendorsement.
- (2) The agent must give a copy of the notice under subregulation (1) to the agent of the candidate on the same day on which it is given to the Electoral Commissioner.

#### **45—Application and modification of Part 13A where candidate disendorsed by party (section 139)**

In accordance with section 139(2)(g) of the Act, the application of Part 13A of the Act is modified in relation to the disendorsement of a candidate by a registered political party as follows:

- (a) section 130A applies as if the following subsection was inserted after subsection (9):
  - (9) For the purposes of this Part, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed—
    - (a) prescribed party expenditure and prescribed candidate expenditure (both within the meaning of section 130Z(3aae)) will not be regarded as political expenditure of the party; and
    - (b) prescribed candidate expenditure (within the meaning of section 130Z(3aae)) will not be regarded as political expenditure of the candidate.;

- (b) section 130I applies as if the following subsection was inserted after subsection (3):
- (4) If a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed, the agent's appointment as agent of the candidate is taken to be revoked on the date of the disendorsement.;
- (c) section 130Z applies as if the following subsections were inserted after subsection (3):
- (3aa) Despite the preceding provisions, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed during the capped expenditure period for the election, the following provisions apply:
- (a) if—
- (i) a candidate ceases to be endorsed after the hour of nomination; and
- (ii) the party does not endorse another candidate in the relevant electoral district,
- any amount allocated by the party to the candidate under subsection (2) prior to the disendorsement is, for the purposes of determining the party's applicable expenditure cap under subsection (1)(b)(i), to be included in the calculation of the sum of the amounts allocated to candidates in accordance with subsection (2);
- (b) if the candidate who has ceased to be endorsed subsequently—
- (i) contests the election other than as part of a group of candidates or registered political party; or
- (ii) forms part of a group of candidates; or
- (iii) is endorsed in relation to the election by another registered political party,
- the applicable expenditure cap under subsection (1) that applies to the candidate, group or party (as the case requires) is reduced by the sum of the prescribed party expenditure and the prescribed candidate expenditure;
- (c) if paragraph (b)(iii) applies, the maximum amount that the other registered political party may allocate to the candidate under subsection (2) in relation to the election is \$100 000 (2026 indexed) less the sum of the prescribed party expenditure and the prescribed candidate expenditure.

- (3aab) For the purposes of the preceding provisions, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed during the capped expenditure period for the election—
- (a) the agent of a registered political party must, as soon as is reasonably practicable after the disendorsement (and in any event no later than 7 days after the disendorsement), furnish a return to the Electoral Commissioner setting out—
    - (i) the name of the candidate; and
    - (ii) the amount of prescribed party expenditure; and
    - (iii) the amount agreed between the candidate and the agent of the party (if any) under section 130Z(2)(a); and
  - (b) the agent of the candidate must, as soon as is reasonably practicable after the disendorsement (and in any event no later than 7 days after the disendorsement), furnish a return to the Electoral Commissioner setting out—
    - (i) the name of the candidate; and
    - (ii) the amount of prescribed candidate expenditure.
- (3aac) The agent of the registered political party must, so far as is reasonably practicable, make available to the agent of the candidate any records or information in the possession of the party relevant to a return under subsection (3aab)(b).
- (3aad) The agent of the registered political party must give the agent of the candidate a copy of the return under subsection (3aab)(a), and the agent of the candidate must give the agent of the party a copy of the return under subsection (3aab)(b), on the same day on which the agent furnishes the relevant return to the Electoral Commissioner.
- (3aae) In this section—
- prescribed candidate expenditure***, in relation to a candidate disendorsed by a registered political party, means political expenditure incurred (prior to the disendorsement) by the candidate (as set out in a return under subsection (3aab)(b)) during the capped expenditure period for the election;

*prescribed party expenditure*, in relation to a candidate disendorsed by a registered political party, means political expenditure incurred (prior to the disendorsement) by the party (as set out in a return under subsection (3aab)(a)) during the capped expenditure period for the election that—

- (a) in the case of a House of Assembly election—related to the election of the candidate in the relevant electoral district; or
- (b) in the case of a Legislative Council election—was for electoral matter that—
  - (i) expressly mentioned the name or displayed the image of the candidate; and
  - (ii) did not expressly mention the name or display the image of any other candidate endorsed by the party in relation to the Legislative Council election;

*related to the election of the candidate* has the same meaning as in section 130ZB(3).

#### **45A—Application and modification of Part 13A until 31 December 2026 in relation to registration of agents (section 139)**

Despite Part 13A of the Act, section 130G of the Act is modified in relation to the registration of agents as follows:

- (a) section 130G(4) applies as if, after "party", the words "or appointment exempted by the Electoral Commissioner" were inserted.

#### **46—Application and modification of Part 13A until 31 December 2026 in relation to certain dispositions of property (section 139)**

In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in relation to a disposition of property by a body corporate to a related body corporate as follows:

- (a) section 130A applies as if the following subsection was inserted after subsection (3):
  - (3a) However, a disposition of property by a body corporate to a related body corporate for no consideration or for inadequate consideration is taken to be a donation made by the body corporate to the related body corporate for the purposes of this Part.

#### **47—Application and modification of Part 13A until 31 December 2026 in relation to advance public funding (section 139)**

- (1) In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in accordance with the following subregulations until 31 December 2026.

- (2) Despite Part 13A and subject to subregulation (3), for the purposes of a payment under item 2 of the table in section 130PA(1) of the Act to the agent of a political party—
- (a) registered after polling day for the general election immediately preceding the election to which the payment relates; and
  - (b) a member of which is a member of Parliament,
- the notional amount for the party will be taken to be the amount calculated by multiplying—
- (c) the number of eligible votes given for the member at the previous election at which the member was elected; by
  - (d) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election in respect of which the payments under this subregulation are to be made.
- (3) If more than 1 member of a registered political party referred to in subregulation (2) is a member of Parliament, subregulation (2) applies subject to the following limitations:
- (a) the party is only entitled to a payment under section 130PA of the Act for the election in respect of 1 member;
  - (b) the agent of the party must notify the Electoral Commissioner of the member on which the calculation of the notional amount is to be based.
- (3a) Despite Part 13A of the Act, section 130PA of the Act is modified in relation to advance payments as follows:
- (a) section 130PA(2)(d)(i) applies as if the words "at the previous general election" were deleted;
  - (b) section 130PA(2)(e)(i) applies as if the words "previous general election for the candidate at the previous election at which the candidate was elected" were deleted and replaced with the following:
    - previous election for the candidate
  - (c) section 130PA applies as if the following subsection was inserted after subsection (2):
    - (3) For the purposes of the payments referred to in item 4 of the table, an entitled candidate cannot elect to be treated as a recontesting candidate unless they contested the most recent election in the relevant district.
- (4) Despite Part 13A and subject to subregulations (6) and (7), in relation to a political party (a *new party*) that—
- (a) was registered after polling day for the Legislative Council election immediately preceding the commencement of this subregulation (the *relevant Legislative Council election*); and
  - (b) a member of which is a member of Parliament who was endorsed by another registered political party at the relevant Legislative Council election (the *former party*),

section 130PC(2)(c) of the Act applies as follows (provided that the member intends to stand as a candidate endorsed by the new party at the Legislative Council election due to be held in 2030):

- (c) the notional amount in respect of the 2030 Legislative Council election for the new party will be taken to be the amount calculated by multiplying—
    - (i) the number of eligible votes given for each candidate or group endorsed by the former party at the relevant Legislative Council election; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the 2026 general election;
  - (d) section 130PC(2)(c)(ii) and (iii) of the Act apply to the notional amount calculated under paragraph (c) as if it were a notional amount calculated under section 130PC(2)(c)(i)(B) of the Act.
- (5) Despite Part 13A and subject to subregulations (6) and (7), but without limiting subregulation (4), for the purposes of a payment under item 2 of the table in section 130PC(1) of the Act to the agent of a political party—
- (a) registered after polling day for the general election immediately preceding the election to which the payment relates (the *relevant election*); and
  - (b) a member of which is a member of Parliament who is a candidate for election at the relevant election,

the notional amount for the party will be taken to be the amount calculated by multiplying—

- (c) —
    - (i) if the member was endorsed by another registered political party at the previous Legislative Council election at which the member was elected—the number of eligible votes given for each candidate or group endorsed by that registered political party at that election; or
    - (ii) in any other case—the number of eligible votes given for the member at the previous Legislative Council election at which the member was elected,(as the case requires); by
  - (d) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the relevant election.
- (6) If more than 1 member of a registered political party referred to in subregulation (4) or (5) is a member of Parliament, subregulation (4) or (5) (as the case requires) applies subject to the following limitations:
- (a) the party is only entitled to a payment under section 130PC of the Act for the election in respect of 1 member;
  - (b) the agent of the party must notify the Electoral Commissioner of the member on which the calculation of the notional amount is to be based.

- (7) The total amount paid—
- (a) under subregulation (4) to the agent of a registered political party cannot exceed \$50 000 (2026 indexed); or
  - (b) under subregulation (5) to the agent of a registered political party cannot exceed \$100 000 (2026 indexed).
- (8) Despite Part 13A and subject to subregulations (9) and (10), for the purposes of a payment under section 130PC of the Act to the agent of a group of a kind referred to in item 4 of the table in section 130PC(1) where the member of the group who is a member of Parliament was, at the election at which the member was most recently elected, endorsed by a registered political party, the notional amount for the group means the amount calculated by multiplying—
- (a) the number of eligible votes given for each candidate or group endorsed by that registered political party at the election at which the member was most recently elected; by
  - (b) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election in respect of which the payments under this subregulation are to be made.
- (9) If more than 1 member of a group referred to in subregulation (8) is a member of Parliament, subregulation (8) applies subject to the following limitations:
- (a) the group is only entitled to a payment under section 130PC of the Act for the election in respect of 1 member;
  - (b) the agent of the group must notify the Electoral Commissioner of the member on which the calculation of the notional amount is to be based.
- (10) The total amount paid under subregulation (8) to the agent of a group cannot exceed \$100 000 (2026 indexed).
- (11) Despite Part 13A, for the purposes of a payment under item 3 of the table in section 130PA(1) of the Act to the agent of a member of Parliament who was most recently elected in a Legislative Council election and who is contesting an election in a House of Assembly district (other than as a candidate endorsed by a registered political party), the following provisions apply:
- (a) if 1 or more candidates not endorsed by registered political parties at the most recent general election was or were elected to the House of Assembly (a **successful independent**), the notional amount for the member means the amount calculated by multiplying—
    - (i) the number of eligible votes given for the successful independent who received the lowest number of eligible votes at the election at which they were elected; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election in respect of which the payments under this subregulation are to be made;
  - (b) in any other case—the member is to be treated as an entitled candidate for the purposes of the Act (that is, a candidate who is not a recontesting candidate) on or after the day on which the member lodges a certificate under section 130PF of the Act.

- (12) Despite Part 13A, for the purposes of a payment under item 3 or 4 of the table in section 130PC(1) of the Act to the agent of a member of Parliament who was most recently elected in an election for a House of Assembly district and who is contesting (including as a member of a group) a Legislative Council election (other than as a candidate endorsed by a registered political party), the notional amount for the member (or, if the member is contesting as part of a group, the group) means the amount calculated by multiplying—
- (a) the number of eligible votes given for the member at the House of Assembly election at which they were most recently elected; by
  - (b) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election in respect of which the payments under this subregulation are to be made.
- (12a) Despite Part 13A of the Act, section 130PF of the Act is modified in relation to certificates for advance payments as follows:
- (a) section 130PF(2) applies as if the words "of a candidate" were deleted;
  - (b) section 130PF(2)(b) applies as if the words "by the candidate" were deleted;
  - (c) section 130PF(3) applies as if, after "subsection (1)" the words ", or under subsection (2) for an entitled registered political party," were inserted.
- (13) For the purposes of section 130PG(1) of the Act, the determination of the applicable expenditure cap (being the maximum that an amount payable to the agent of a registered political party under sections 130PA to 130PC cannot exceed) will be based on the number of candidates the party intends to endorse in relation to the election as specified in the certificate under section 130PF of the Act.
- (14) Section 130PG(2) to (5) (inclusive) of the Act apply as if, after "entitled registered political party" (wherever occurring), the words "(other than a party that elects to be treated as a recontesting party)" were inserted.
- (15) A reference in this subregulation to a member of Parliament includes, in relation to an election, a reference to a person who was a member at the time of the dissolution of the Parliament in relation to the election.
- (16) Despite Part 13A of the Act, section 130PF of the Act is modified in relation to certificates for advance payments as follows:
- (a) section 130PF applies as if the following subsections were inserted after subsection (7):
    - (8) Despite a preceding subsection, the agent of a registered political party for which a certificate has already been lodged under subsection (1) in relation to an election (the *original certificate*) may lodge a certificate in substitution for the original certificate on 1 occasion before the hour of nomination for the election if the number of candidates endorsed by the party in relation to the election is different from the number stated in the original certificate.

- (9) If a certificate is lodged in accordance with subsection (8), the Electoral Commissioner must—
  - (a) pay any additional funding determined to be payable by the Electoral Commissioner to the agent as soon as reasonably practicable (and the funding payable will be taken to be an amount paid under section 130PA or section 130PC (as the case requires)); or
  - (b) give the agent of the registered political party a notice setting out the amount of funding required to be repaid based on the substituted certificate (which the agent must repay in accordance with any requirements of the Electoral Commissioner).
- (10) The agent of a registered political party may only lodge a certificate in accordance with subsection (8) on 1 occasion, unless the Electoral Commissioner allows the agent to lodge a further certificate (before the hour of nomination) in accordance with subsection (8) (provided that the Electoral Commissioner may only allow an agent to lodge a further certificate once).
- (11) A certificate lodged in accordance with subsection (8) cannot relate to whether an entitled registered political party elects to be treated as a recontesting party (so that the indication in the original certificate as to whether the party elects to be treated as a recontesting party cannot be varied).

**48—Application and modification of Part 13A until 31 December 2026 in relation to early payment of certain advance funding (section 139)**

In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in relation to the early payment of certain advance funding under section 130PD as follows:

- (a) section 130PD(1)(a) and (b) apply as if the following words were inserted after "percentage of the" wherever occurring:

Electoral Commissioner's reasonable estimate of the

**49—Application and modification of Part 13A until 31 December 2026 in relation to repayment of certain amounts (section 139)**

In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified in relation to the repayment of any amount under section 130PA to 130PD (inclusive) as follows:

- (a) section 130PE applies as if the following subsection was inserted after subsection (2):

- (3) Despite subsection (2)(a), the Electoral Commissioner cannot require the repayment of any amount under section 130PA to 130PD (inclusive) that—
  - (a) was paid to a candidate or group in respect of an election that the Electoral Commissioner is satisfied the candidate or group (as the case requires) has good reason for not contesting; and
  - (b) was used by the candidate or group for State electoral purposes before the Electoral Commissioner became aware that the candidate or group (as the case requires) would not contest the election.

### **50—Application and modification of Part 13A until 31 December 2026 in relation to administrative funding and expenditure (section 139)**

- (1) In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified so that section 130U(1)(b)(i) of the Act does not apply.

**Note—**

If a registered political party is entitled to administrative funding under section 130U of the Act, the party is entitled to submit a claim for a one-off payment of administrative funding in accordance with section 130UA.

- (2) In accordance with section 139(2)(ga) of the Act, Part 13A of the Act is modified so that the following expenditure in respect of staff of a non party member engaged in administrative or operational matters for the member is administrative expenditure of the non party member:
  - (a) expenditure on remuneration of the staff to the extent that that expenditure relates to the time that the staff are engaged in administrative or operational matters for the member;
  - (b) expenditure on training of the staff (including volunteers) in relation to administrative or operational matters for the member;
  - (c) equipment or vehicles used by the staff to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in administrative or operational matters for the member;
  - (d) expenditure on office accommodation for the staff and equipment referred to in this subregulation.

## **Schedule A1—Transitional provisions relating to *Electoral (Accountability and Integrity) Amendment Act 2024***

### **1—Interpretation**

In this Schedule—

***amendment Act*** means the *Electoral (Accountability and Integrity) Amendment Act 2024*.

## **2—Returns—political party registration**

For the purposes of section 43A of the Act (as in force after the commencement of section 6 of the amendment Act), the registered officer of a parliamentary party must furnish a return relating to the party to the Electoral Commissioner by 30 September 2025.

## **3—Dispositions by will**

Part 13A of the Act (as in force immediately before the commencement of section 38 of the amendment Act) applies to a disposition made in accordance with a will of a testator who died before the commencement of that section.

## **4—Deductible amount for certain payments under Part 13A Division 4**

- (1) In connection with paragraph (c)(ii) of section 130PA(2) of the Act, in calculating a notional amount in accordance with that paragraph, the deductible amount is to be determined as if section 130Q(5), (9) and (10) (as enacted by the amendment Act) were in effect on and from the 2022 general election.
- (2) In connection with paragraph (c) of section 130PC(2) of the Act, in calculating a notional amount in accordance with that paragraph, the deductible amount is to be determined as if section 130Q(5), (9) and (10) (as enacted by the amendment Act) were in effect on and from the 2018 Legislative Council election.

## **5—Half yearly entitlement for special assistance funding**

The payment of a claim for a half yearly entitlement for special assistance funding made in accordance with Part 13A Division 5 of the Act (as in force immediately before the commencement of section 26 of the amendment Act) is not affected by the amendments to Part 13A Division 5 of the Act made by the amendment Act.

## **5A—Half yearly entitlement for administrative funding**

Despite section 130U(1)(b)(ii) of the Act, for the purposes of Part 13A Division 5 of the Act, a registered political party will be taken to have a half yearly entitlement for the half yearly period commencing on 1 July 2025 if the party was registered on or before 1 August 2025 and continued to be a registered political party for the remainder of that half yearly period.

### **Note—**

Regulation 50(1) provides that section 130U(1)(b)(i) of the Act does not apply (until 31 December 2026).

## **6—One-off payments of administrative funding**

For the purposes of section 130UA of the Act, a reference to administrative funding in that section includes a reference to special assistance funding under Part 13A Division 5 of the Act (as in force immediately before the commencement of section 26 of the amendment Act).

## 7—Returns

- (1) For the purposes of section 130ZF of the Act (as in force immediately before the commencement of section 38 of the amendment Act), a return under that section for a candidate or group whose disclosure period commenced before 1 July 2025 must be furnished to the Electoral Commissioner within 30 days after 30 June 2025 in respect of gifts or loans received between the start of the disclosure period and 30 June 2025.
- (2) For the purposes of section 130ZG of the Act (as in force immediately before the commencement of section 38 of the amendment Act), a return under that section must be provided to the Electoral Commissioner within 30 days after 30 June 2025 in respect of gifts or loans referred to in section 130ZG(1) or (2) made between the start of the disclosure period and 30 June 2025.
- (3) A requirement to provide a return to the Electoral Commissioner under section 130ZH, 130ZI, 130ZN, 130ZO or 130ZP of the Act (as in force immediately before the commencement of section 38 of the amendment Act) is not affected by the amendments to Part 13A made by the amendment Act.
- (4) A return under section 130ZR or 130ZS of the Act for the financial year ending on 30 June 2025 must be provided to the Electoral Commissioner within 30 days after 30 June 2025.

## 8—Details of associated entities

For the purposes of section 130ZWB(1) of the Act, the details of each entity that the agent of a registered political party knows, or ought reasonably to know, is an associated entity in relation to the party must be furnished to the Electoral Commissioner by 30 September 2025.

## **Schedule 1—Forms**

### **Form 1—Form of return**

Name of party:

Registered officer—

- (a) Name:
- (b) Address:
- (c) Contact Details:

For the purposes of demonstrating the party's continued eligibility for registration under Part 6 of the *Electoral Act 1985*, I attach the documents required under regulation 7(2) of the *Electoral Regulations 2024*.

Signature:

Date:

Form 2

South Australia, (a)(b) Election  
**Ballot Paper for the Election of (c) Legislative Councillors**

You may vote in one of two ways. You are not legally obliged to mark the ballot paper.

**If you vote ABOVE the line**

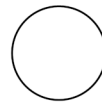
If you vote above the line write the number 1 in the square next to the group of your choice. You can show more choices if you want to by writing numbers in other squares starting with the number 2. Do not write any numbers below the line.

A <input type="checkbox"/> (d)	B <input type="checkbox"/> (d)	..... .....	Q <input type="checkbox"/> (d)
--------------------------------	--------------------------------	----------------	--------------------------------

**OR**

**If you vote BELOW the line**

If you vote below the line write the numbers 1 to 12 in the squares next to the names of the candidates in the order of your choice. You can show more choices if you want to by continuing to write numbers in more squares. You don't need to write a number in every square. Do not write any numbers above the line.



Issuing Officer Initials

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

A <input type="checkbox"/> (e)(d) <input type="checkbox"/> (e)(d) <input type="checkbox"/> (e)(d) <input type="checkbox"/> (e)(d) <input type="checkbox"/> (e)(d) ..... <input type="checkbox"/> (e)(d)	B <input type="checkbox"/> (e)(d) <input type="checkbox"/> (e)(d) <input type="checkbox"/> (e)(d) ..... <input type="checkbox"/> (e)(d)	..... ..... ..... .....	Q <input type="checkbox"/> (e)(d) ..... <input type="checkbox"/> (e)(d)
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Grouped Candidates

Ungrouped Candidates

- (a) Insert here year of election
- (b) Insert here 'State' or 'Supplementary'
- (c) Insert here number of vacancies
- (d) 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'.
- (e) Insert here name of candidate
- \* Ungrouped candidates
- \*\* insert additional ungrouped candidates if required

**Form 3**

South Australia, (a)(b) Election  
**Ballot Paper for the Election of (c) Legislative Councillors**

You may vote in one of two ways. You are not legally obliged to mark the ballot paper.

**If you vote ABOVE the line**

If you vote above the line write the number 1 in the square next to the group of your choice. You can show more choices if you want to by writing numbers in other squares starting with the number 2. Do not write any numbers below the line.

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

**OR**

**If you vote BELOW the line**

If you vote below the line write the numbers 1 to 12 in the squares next to the names of the candidates in the order of your choice. You can show more choices if you want to by continuing to write numbers in more squares. You don't need to write a number in every square.

Do not write any numbers above the line.




Issuing Officer Initials

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

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

- (a) Insert here year of election
- (b) Insert here 'State' or 'Supplementary'
- (c) Insert here number of vacancies
- (d) 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'.
- (e) Insert here name of candidate
  - \* Ungrouped candidates
  - \*\* insert additional ungrouped candidates if required

Form 4

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

- (a) Insert here year of election
- (b) Insert here:
  - 'State Election'; or
  - name of district followed by 'by-election' or 'supplementary election'.
- (c) Insert here name of District
- (d) Insert here number of candidates
- (e) Insert here name of candidate
- (f) 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'.

### Form 5

1. Elector Details			
District			
Polling place			
Family name			
Given name/s			
Daytime phone			
Date of birth	Day	Month	Year
Gender			
Current permanent address			
Current postal address			

2. Elector Declaration			
I declare that I have not previously voted in this election or referendum, and I am entitled to a declaration vote because: (✓ Tick one box)			
<input type="checkbox"/>	My address is suppressed from publication		
<input type="checkbox"/>	I am a resident of a declared institution or I am a remote area elector		
<input type="checkbox"/>	My name, as a result of an official error, appears to have already been marked off the certified list of electors		
<input type="checkbox"/>	I have attended a polling place outside my enrolled district, and I cannot exercise an ordinary vote		
<input type="checkbox"/>	Unenrolled - I claim my name, as a result of an official error, does not appear on the certified list of electors for my district		
Signature or mark of elector			Date
			/ /

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	

Offices Use Only		
If the unenrolled box is ticked		
a) the elector is enrolled for a different district	b) the name does not appear on any roll within the State	If admitted, tick box
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Form 6

1. Elector details	2. Security question <small>Answer your security question (if applicable)</small>
<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  Elector Name  Postal Street Address 1  Postal Street Address 2  Suburb STATE Postcode</p>	<p>▶ Answer <input style="width: 100%;" type="text"/></p>
	3. Elector declaration
	<p><small>I declare that I 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).</small></p> <p>▶ Signature or mark of elector <input style="width: 100%;" type="text"/></p>
	4. Authorised witness to complete
	<p>Full Name <input style="width: 100%;" type="text"/></p> <p><small>I certify that the elector (or their assistant) signed/marked this declaration in my presence before 6pm (South Australian time) on polling day.</small></p> <p>▶ Signature of authorised witness <input style="width: 100%;" type="text"/> Date <input style="width: 50px;" type="text"/> / <input style="width: 50px;" type="text"/> / <input style="width: 50px;" type="text"/></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 assistant 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 7

OFFICE USE ONLY	
<b>1. Elector details</b>	
Surname	
Given names	
Residential address for which you claim to be enrolled <small>PO Box, RMD &amp; RSD numbers are not acceptable</small>	
Date of birth	Day: <input type="text"/> Month: <input type="text"/> Year: <input type="text"/>
Email address	
Contact number	Home: <input type="text"/> Mobile: <input type="text"/>
<b>2. Address to send ballot papers</b>	
<input type="checkbox"/> Same as residential address above	
Please send ballot papers for this election/referendum to me at this address	<input type="text"/> <input type="text"/> <input type="text"/>
<b>3. Elector declaration</b>	
I declare that I:	
<ul style="list-style-type: none"> <li>• have not previously voted in this election/referendum; and</li> <li>• am eligible for a postal vote for one of the following reasons (tick the box that applies):</li> </ul>	
<small>See back of this application for detailed description of reasons</small>	
<input type="checkbox"/> Distance	<input type="checkbox"/> Travelling
<input type="checkbox"/> Advanced pregnancy	<input type="checkbox"/> Illness, infirmity or disability
<input type="checkbox"/> Working	<input type="checkbox"/> Caring for others
<input type="checkbox"/> Resident of an institution	<input type="checkbox"/> Religion
<input type="checkbox"/> Under Emergency Management Act 2004 direction	<input type="checkbox"/> Under Emergency Management Act 2004 direction
Signature or mark of elector	Date / /
Signature of authorised person or witness <small>only if elector is unable to sign (see reverse)</small>	Date / /
<b>Qualifications to apply for a postal vote</b>	
<b>Distance</b>	During the hours of polling I am unlikely to be within 8 km from any polling booth.
<b>Travelling</b>	During the hours of polling I will be travelling under conditions that preclude my attendance at a polling booth.
<b>Illness, infirmity or disability</b>	I suffer illness, infirmity or disability that will preclude my attendance at a polling booth.
<b>Advanced pregnancy</b>	By polling day my pregnancy will be advanced which will preclude my attendance at a polling booth.
<b>Caring for others</b>	I am caring for a person who is seriously ill, infirm or disabled which will preclude my attendance at a polling booth.
<b>Religion</b>	Membership of religious order or having religious beliefs that will preclude my attendance at a polling booth.
<b>Working</b>	I am working during the hours of polling and will not be able to leave my place of work to attend a polling booth.
<b>Resident of an institution</b>	I am a resident of an institution or declared institution being a hospital, convalescent home, nursing home, home for the aged, hostel for the aged or infirm, prison or other place of confinement.
<b>Under Emergency Management Act 2004 direction</b>	I am subject to a direction under the <i>Emergency Management Act 2004</i> requiring me to quarantine or isolate during the hours of polling.
<b>Obligations of authorised person or witness</b>	
An authorised person or witness may sign the declaration in the space provided that the person:	
<ul style="list-style-type: none"> <li>• is any person (other than a candidate in the election) who is at least 18 years of age, and</li> <li>• in the case that the applicant is able to make a distinguishing mark, the authorised person or witness saw the applicant make that mark in the space provided for the applicant's signature, or</li> <li>• in the case that the applicant is incapable of making their mark, a <b>certificate</b> from a medical practitioner to that effect has been included with this application.</li> </ul>	
<b>Availability of ballot papers</b>	
Ballot papers cannot be printed until nominations close.	
<b>Application by post</b>	
Completed applications must be received at: Electoral Commission SA Reply Paid 666, Adelaide SA 5001 Level 6 60 Light Square, Adelaide SA 5000	
or an appointed overseas office.	
Should you need details on how to complete your application or the deadline for when applications must be received, go to the Electoral Commission SA website at <a href="http://www.ecsa.sa.gov.au">www.ecsa.sa.gov.au</a>	
If you have any queries please contact the Electoral Commission SA enquiry line: 1300 655 232	

2026

**Form 9**

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>OR</p> <p><b>2 B The reason for not voting</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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<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><b>Signature of elector OR person completing the Notice</b></p> <p>.....</p>
<b>3 B</b>	<p><b>Name and address of any person acting on behalf of the elector</b></p> <p><b>Name</b>.....</p> <p><b>Address</b> .....</p>

**WITNESS SECTION**

<b>4</b>	<p>The declaration was signed in my presence.</p> <p><b>Signature of Witness</b></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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## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Electoral Regulations 2024* revoked the following:

*Electoral Regulations 2009*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2024	78	<i>Gazette 1.8.2024 p2315</i>	1.8.2024: r 2
2025	40	<i>Gazette 19.6.2025 p1867</i>	1.7.2025: r 2
<b>2025</b>	<b>142</b>	<b><i>Gazette 11.12.2025 p4837</i></b>	<b>22.12.2025 except rr 3 to 14 &amp; 17—10.1.2026: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2025</i>
Pt 3		
<b>r 7</b>		
<b>heading</b>	<b>amended by 142/2025 r 3(1)</b>	<b>10.1.2026</b>
<b>r 7(1)</b>	<b>amended by 142/2025 r 3(2)</b>	<b>10.1.2026</b>
<b>r 7(2)</b>	<b>amended by 142/2025 r 3(3)</b>	<b>10.1.2026</b>
rr 7A and 7B	inserted by 40/2025 r 3	1.7.2025
Pt 5		
<b>r 13</b>		
<b>r 13(1)</b>	<b>amended by 142/2025 r 4</b>	<b>10.1.2026</b>
<b>r 17A</b>	<b>inserted by 142/2025 r 5</b>	<b>10.1.2026</b>

<b>Pt 5A</b>	<b>inserted by 142/2025 r 6</b>	<b>10.1.2026</b>
Pt 6		
r 19		
<b>r 19(1)</b>	<b>amended by 142/2025 r 7(1), (2)</b>	<b>10.1.2026</b>
	<b>(a)(iii)(D) deleted by 142/2025 r 7(1)</b>	<b>10.1.2026</b>
r 20		
<b>r 20(3)</b>	<b>amended by 142/2025 r 8</b>	<b>10.1.2026</b>
	<b>(b)(iv) deleted by 142/2025 r 8</b>	<b>10.1.2026</b>
Pt 6A	inserted by 40/2025 r 4	1.7.2025
Pt 8	substituted by 40/2025 r 5	1.7.2025
<b>r 26</b>	<b>amended by 142/2025 r 9</b>	<b>10.1.2026</b>
r 27		
<b>r 27(1)</b>	<b>amended by 142/2025 r 10(1)</b>	<b>10.1.2026</b>
	<b>r 27(3) amended by 142/2025 r 10(2)</b>	<b>10.1.2026</b>
r 28		
<b>note</b>	<b>inserted by 142/2025 r 11</b>	<b>10.1.2026</b>
<b>r 33A</b>	<b>inserted by 142/2025 r 12</b>	<b>10.1.2026</b>
<b>r 37A</b>	<b>inserted by 142/2025 r 13</b>	<b>10.1.2026</b>
<b>r 45A</b>	<b>inserted by 142/2025 r 14</b>	<b>10.1.2026</b>
r 47		
r 47(3a)	inserted by 142/2025 r 15(1)	22.12.2025
r 47(12a)	inserted by 142/2025 r 15(2)	22.12.2025
r 47(16)	inserted by 142/2025 r 15(3)	22.12.2025
Sch A1	inserted by 40/2025 r 6	1.7.2025
cl 5A	inserted by 142/2025 r 16	22.12.2025
<b>Sch 1</b>	<b>amended by 142/2025 r 17(1), (2)</b>	<b>10.1.2026</b>
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2025</i>

## Historical versions

1.7.2025

22.12.2025