South Australia

Local Government (Elections) Regulations 2025

under the *Local Government (Elections) Act 1999*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Elections) Regulations 2025*.

3—Interpretation

(1) In these regulations—

Act means the *Local Government (Elections) Act 1999*.

(2) In these regulations, a reference to a form of a particular number is a reference to the form of that number set out in Schedule 1.

Part 2—Elections and polls

4—Filling vacancy in certain circumstances

(1) For the purposes of section 6A(2)(a) of the Act—

(a) the returning officer must contact each candidate who was not elected in the most recent election for the relevant office or the designated supplementary election referred to in section 6(2)(c)(ii)(B) of the Act (as the case requires) to request that the candidate make a declaration under paragraph (b); and

(b) a candidate may, within the relevant period and in a form determined by the returning officer, make a declaration that they are still willing and eligible to be elected to the relevant office (an ***eligible candidate***); and

(c) if, after the relevant period—

(i) there is 1 eligible candidate—that candidate will be determined to fill the vacancy; or

(ii) there is more than 1 eligible candidate—the returning officer must determine which of the eligible candidates will fill the vacancy or vacancies by recounting the votes in accordance with—

(A) if there is 1 vacancy—section 48(1a) of the Act as modified by subregulation (2); or

(B) if there is more than 1 vacancy—section 48(1) of the Act as modified by subregulation (2).

(2) For the purposes of a recount under subregulation (1), section 48 of the Act is modified as follows:

(a) a vote indicated on a ballot paper opposite the name of the candidate in whose office the vacancy occurred will be counted to the eligible candidate next in order of the voter's preference;

(b) in addition, a vote indicated on a ballot paper opposite the name of a candidate who is not an eligible candidate will be counted to the eligible candidate next in order of the voter's preference;

(c) after the returning officer gives effect to paragraphs (a) and (b), the numbers indicating subsequent preferences on the relevant ballot papers will be taken to have been altered accordingly;

(d) a reference in section 48 to a candidate will be taken to be a reference to an eligible candidate.

(3) To avoid doubt, a recount under subregulation (1) does not affect the election of any other member according to the votes actually cast at the election.

(4) A declaration under section 6A(2)(c)(i) of the Act will be taken to be a provisional declaration and a candidate (not being a successful candidate) may request a recount on the basis of this declaration in the manner contemplated by section 49 of the Act and the returning officer may then take such action that may be appropriate in the manner contemplated by section 50 of the Act.

(5) For the purposes of section 6A(2)(c)(ii) of the Act, the returning officer must determine the next successful candidate in such manner as the returning officer sees fit.

(6) To avoid doubt, for the purposes of this regulation, a reference to an eligible candidate in relation to a recount does not include a reference to a candidate who is, immediately before the commencement of the recount, an elected member of the council.

(7) In this regulation—

relevant period means the period determined by the returning officer.

5—Declaration of eligibility

For the purposes of section 8(2)(b) of the Act, the prescribed form for a declaration of eligibility is set out as Form 1.

6—Manner in which nominations are made

(1) For the purposes of section 19(1) of the Act, a form nominating a person as a candidate for election to an office of a council (being a form determined by the Electoral Commissioner) must be delivered to the returning officer before the close of nominations.

(2) For the purposes of section 19(2)(b) of the Act, the following requirements are prescribed with respect to a profile:

(a) the profile must be in typed or printed form;

(b) the profile must not, subject to subregulation (3), exceed 1 000 characters;

(c) the profile must be accurate and must not—

(i) be misleading; or

(ii) contain offensive or obscene material; or

(iii) refer to another person who has nominated as a candidate for election to the council (whether at the same election or any other election to be held on the same day) without the written consent of that person; or

(iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;

(d) the profile must contain contact details of the candidate being—

(i) an address (not being a post office box); or

(ii) an email address; or

(iii) a telephone number;

(e) the profile must contain a statement as to whether the candidate lives in the area or ward of the council in which the candidate is nominating for election;

(ea) if an adverse finding has been made in respect of the candidate, the profile must contain a statement to that effect that indicates the entity that made the adverse finding;

(f) the profile must contain the following information:

(i) whether the candidate is, at the time of their nomination, or was, at any time in the 12 months preceding their nomination, a member of a registered political party (within the meaning of the *Electoral Act 1985*);

(ii) if the candidate is or was a member of a registered political party in accordance with subparagraph (i)—

(A) the name of the party; and

(B) when the candidate ceased to be a member of the party (if relevant).

(3) The contact details, statement and information provided under subregulation (2)(d), (e), (ea) and (f) (respectively) are excluded from the 1 000 character limit imposed by subregulation (2)(b) and the operation of subregulation (4).

(4) Subject to subregulation (3), if—

(a) a profile submitted with a nomination form exceeds 1 000 characters; and

(b) the candidate has not reduced the size of the profile to 1 000 characters or less by the close of nominations,

the returning officer will exclude from the profile all characters appearing after the 1 000th character.

(5) The profile must (in accordance with section 19(2)(c) of the Act) be accompanied by a statement declaring that the candidate is responsible for the content of the profile and such statement must be signed and dated by the candidate.

(6) The returning officer is not responsible for checking the accuracy of any information included in a profile and the returning officer bears no liability with respect to the publication of a profile under the Act and these regulations.

(7) A written consent required under subregulation (2)(c)(iii) must be lodged with the profile.

(8) Nothing in subregulation (2)(c) prevents a profile including declarations of public policy or promises of public action.

(9) For the purposes of section 19(3) of the Act, the following requirements are prescribed with respect to a photograph provided with a profile:

(a) unless otherwise approved by the returning officer, the photograph must be the same size as an Australian passport photograph;

(b) the photograph must only (or predominantly) show the head and shoulders of the candidate;

(c) the photograph must have been taken within the preceding period of 12 months;

(d) the photograph must, in a manner determined by the Electoral Commissioner, be endorsed by the candidate to the effect that the photograph is a photograph of the candidate that has been taken within the preceding 12 months.

(10) In this regulation—

adverse finding, in relation to a candidate, means an order, a recommendation or a finding of the following kind made on or after 17 November 2022 in respect of the candidate in connection with their role as a member of a council where that order, recommendation or finding has been made public:

(a) an order made by the Behavioural Standards Panel under section 262W(1) of the *Local Government Act 1999*;

(b) a recommendation made by the Ombudsman under section 25(2) of the *Ombudsman Act 1972*, including a recommendation of a kind referred to in section 263B(1) of the *Local Government Act 1999*;

(c) an order made by SACAT under section 267(1) of the *Local Government Act 1999*;

(d) a finding of the District Court or Supreme Court that the candidate has committed an offence, or engaged in conduct, referred to in section 5(1) of the *Independent Commission Against Corruption Act 2012*.

(11) For the purposes of the definition of ***adverse finding*** in subregulation (10), an order, a recommendation or a finding will be taken to have been made public if—

(a) in the case of an order made by the Behavioural Standards Panel—

(i) the order, or a report of the Panel setting out the order, has been published by the Panel; or

(ii) the Panel has required a report of the Panel setting out the order to be considered in public at a meeting of a council,

and the order or report states the name of the candidate in respect of whom the order relates; or

(b) in the case of a recommendation made by the Ombudsman—

(i) the recommendation, or a report of the Ombudsman setting out the recommendation, has been published by the Ombudsman; or

(ii) the Ombudsman has recommended that a report of the Ombudsman setting out the recommendation be considered in public at a meeting of a council,

and the recommendation or report states the name of the candidate in respect of whom the recommendation relates; or

(c) in the case of an order made by SACAT—the order, or a decision of SACAT setting out the order, has been published by SACAT, or is able to be requested by a member of the public, and states the name of the candidate in respect of whom the order relates; or

(d) in the case of a finding made by the District Court or Supreme Court—the judgment of the court setting out the finding has been published by the court, or is able to be requested by a member of the public, and states the name of the candidate in respect of whom the finding relates.

7—Ballot papers for elections

Pursuant to section 29(5) of the Act, a ballot paper for an election—

(a) must be in a form determined by the Electoral Commissioner; and

(b) must—

(i) identify the council, and the election to which it relates; and

(ii) include directions to voters as to how to record a valid vote.

8—Ballot papers for polls

(1) Pursuant to section 33(3) of the Act, a ballot paper for a poll must contain—

(a) a statement of the proposition being submitted to electors at the poll; and

(b) 2 squares—

(i) 1 clearly indicated as the square to be marked by a person who is in favour of the proposition being submitted to electors at the poll; and

(ii) 1 clearly indicated as the square to be marked by a person who is against the proposition being submitted to electors at the poll.

(2) The statement under subregulation (1)(a) will be determined by the relevant council after consultation with the returning officer.

9—Notice of use of postal voting

(1) For the purposes of section 38 of the Act, information to the following effect is prescribed:

(a) that the specified election or poll will be conducted entirely by means of postal voting and that no polling booth will be open for voting on polling day;

(b) that voting papers will be issued by post to every natural person, body corporate and group who or which has his, her or its name on the voters roll to be used for the purposes of the election or poll or, at the discretion of the returning officer, by personal delivery to potential voters at certain locations;

(c) that the voting papers being issued by post should be delivered to natural persons, bodies corporate and groups on the voters roll not later than a date specified by the returning officer[1];

(d) that a person who does not receive voting papers but who believes that he or she is entitled to exercise a vote at the election or poll may take specified steps to apply for voting papers.

(2) A notice under section 38 of the Act may include other information which may, in the opinion of the returning officer, assist prospective voters to understand the postal voting system and processes under the Act and to participate in the election or poll.

Note—

1 This date must be consistent with section 39(1) of the Act.

10—Issue of postal voting papers

(1) Pursuant to section 39(3) of the Act, envelopes used under section 39(1) for ballot papers sent by post must have an extension to a flap on the back of the envelope that bears the name and address of—

(a) the natural person to whom the voting papers are issued; or

(b) in the case of papers issued to a body corporate or group—the designated person for the body corporate or group.

(2) For the purposes of section 39(6) of the Act, an explanatory notice will be prepared by the returning officer and must outline the steps which a voter must follow in order to comply with the requirements of section 40 of the Act.

11—Assisted voting—preliminary

(1) For the purposes of section 41A(2)(a) of the Act, the voting method by means of the telephone assisted voting method set out in regulation 12 is determined to be an assisted voting method that may be used by prescribed electors.

(2) For the purposes of section 41A(2)(a)(ii) of the Act, the returning officer is to determine, by notice in the Gazette, the days and times at which the telephone assisted voting method is to be made available and the telephone number for the telephone assisted voting method.

(3) In accordance with section 41A(2)(f) of the Act, postal voting papers issued under regulation 12(1)(c) to a prescribed elector voting using the telephone assisted voting method will, for the purposes of the Act, be taken to be fresh voting papers issued under section 43 of the Act (and section 43(4) of the Act does not apply to the issue of such papers).

(4) For the purposes of the definition of ***prescribed elector*** in section 41A(8) of the Act, the following electors are prescribed:

(a) an elector—

(i) who is outside South Australia during any part of the period commencing on the day falling 28 days before polling day for an election and ending at the close of voting for the election; and

(ii) who, during that period, calls the telephone number determined under subregulation (2) from outside South Australia;

(b) an elector who otherwise cannot vote without assistance because of a motor impairment.

12—Telephone assisted voting method

(1) The telephone assisted voting method by which a prescribed elector may vote is as follows:

(a) the prescribed elector is to call the telephone number determined under regulation 11(2) (on a day and at a time at which the telephone assisted voting method is available) and—

(i) verify their identity to an electoral officer in accordance with any requirements of the returning officer; and

(ii) confirm to the electoral officer that the person—

(A) is entitled to vote in the election; and

(B) is a prescribed elector who is eligible to vote by means of the telephone assisted voting method set out in this regulation; and

(iii) be assigned a unique identifying number;

(b) the electoral officer who receives the telephone call from the prescribed elector must then transfer the call to an electoral officer before whom the prescribed elector's vote is to be taken (a ***voting assistant***) and must communicate the unique identifying number assigned to the prescribed elector to the voting assistant in accordance with any requirements of the returning officer;

(c) the voting assistant must issue fresh postal voting papers for the purposes of the prescribed elector voting using the telephone assisted voting method;

(d) if requested to do so, the voting assistant must read aloud the contents of the postal voting papers issued under paragraph (c), including material of a kind referred to in section 39(6) of the Act accompanying those papers;

(e) in relation to each ballot paper to which the prescribed elector is entitled, if the prescribed elector instructs the voting assistant as to the manner in which they seek to have the ballot paper marked, the voting assistant must—

(i) mark the prescribed elector's ballot paper in accordance with their instructions; and

(ii) read the prescribed elector's voting preferences back to the prescribed elector;

(f) the voting assistant must then—

(i) fold the ballot paper so as to conceal the vote, place the folded ballot paper in an envelope bearing a declaration of a kind referred to in section 39(1)(b) of the Act (a ***declaration envelope***) and seal the envelope; and

(ii) complete and sign the appropriate declaration on the declaration envelope on the prescribed elector's behalf; and

(iii) place the declaration envelope in a ballot box that the returning officer has determined is to be used for the purposes of the telephone assisted voting method;

(g) the voting assistant may give such other assistance as may be necessary in the circumstances to enable the prescribed elector to vote using the telephone assisted voting method;

(h) another electoral officer (who must not be the person who transfers the telephone call to the voting assistant under paragraph (b)) must—

(i) listen to the entire telephone communication between the prescribed elector and the voting assistant; and

(ii) witness the marking of the prescribed elector's ballot paper in accordance with the prescribed elector's instructions.

(2) The returning officer must ensure that the telephone assisted voting method is such that the voting assistant and electoral officer referred to in subregulation (1)(h) in respect of a prescribed elector voting using the method cannot hear that part of the prescribed elector's telephone call referred to in subregulation (1)(a).

(3) As soon as practicable after the close of voting, the returning officer must ensure that ballot boxes referred to in subregulation (1)(f) are delivered to the location determined by the returning officer and made available for inclusion in the scrutiny and count of votes in accordance with the Act (and for that purpose the voting papers in the ballot boxes are to be treated as if they were returned in accordance with the Act).

13—Collation of certain information

For the purposes of section 51(1a) of the Act, a return must show, in relation to the relevant election—

(a) the number of ballot papers printed for the election; and

(b) the number of ballot papers issued on the basis of names on the voters roll; and

(c) the number of ballot papers issued on the basis of names declared to have been omitted in error from the voters roll; and

(d) the number of ballot papers replaced due to the re-issue of voting papers; and

(e) the number of declaration envelopes accepted at the count; and

(f) the number of declaration envelopes rejected at the count; and

(g) the number of declaration envelopes returned because they have not been able to be effectively delivered; and

(h) the number of ballot papers removed from envelopes accepted at the count; and

(i) the number of ballot papers included in the count; and

(j) the number of ballot papers rejected as informal.

14—Filling vacancy if successful candidate dies

(1) For the purposes of section 55A(2)(a) of the Act—

(a) the returning officer must contact each candidate who was not elected in the most recent election for the relevant office to request that the candidate make a declaration under paragraph (b); and

(b) a candidate may, within the relevant period and in a form determined by the returning officer, make a declaration that they are still willing and eligible to be elected to the relevant office (an ***eligible candidate***); and

(c) if, after the relevant period—

(i) there is 1 eligible candidate—that candidate will be determined to fill the vacancy; or

(ii) there is more than 1 eligible candidate—the returning officer must determine which of the eligible candidates will fill the vacancy by recounting the votes in accordance with section 48(1a) of the Act as modified by subregulation (2).

(2) For the purposes of a recount under subregulation (1), section 48 of the Act is modified as follows:

(a) a vote indicated on a ballot paper opposite the name of the candidate in whose office the vacancy occurred will be counted to the eligible candidate next in order of the voter's preference;

(b) in addition, a vote indicated on a ballot paper opposite the name of a candidate who is not an eligible candidate will be counted to the eligible candidate next in order of the voter's preference;

(c) after the returning officer gives effect to paragraphs (a) and (b), the numbers indicating subsequent preferences on the relevant ballot papers will be taken to have been altered accordingly;

(d) a reference in section 48 to a candidate will be taken to be a reference to an eligible candidate.

(3) To avoid doubt, a recount under subregulation (1) does not affect the election of any other member according to the votes actually cast at the election.

(4) A declaration under section 55A(2)(c)(i) of the Act will be taken to be a provisional declaration and a candidate (not being a successful candidate) may request a recount on the basis of this declaration in the manner contemplated by section 49 of the Act and the returning officer may then take such action that may be appropriate in the manner contemplated by section 50 of the Act.

(5) For the purposes of section 55A(2)(c)(ii) of the Act, the returning officer must determine the next successful candidate in such manner as the returning officer sees fit.

(6) To avoid doubt, for the purposes of this regulation, a reference to an eligible candidate in relation to a recount does not include a reference to a candidate who is, immediately before the commencement of the recount, an elected member of the council.

(7) In this regulation—

relevant period means the period determined by the returning officer.

15—Bribery

For the purposes of section 57(3) of the Act, the prescribed value is $20.

16—Transitional provision for gifts received

(1) Subject to this regulation, the application of old Part 14 in relation to gifts received by candidates before the commencement day is not affected by the amendments effected by the *Statutes Amendment (Local Government Elections Review) Act 2025*.

(2) Despite subregulation (1)—

(a) if a candidate includes details relating to all gifts received by the candidate required to be included in a return under section 81 of old Part 14 in the first return relating to gifts furnished by the candidate under new Part 14, the candidate will be taken to have complied with the requirements of old Part 14 in relation to those gifts; and

(b) a failure to submit a return under old Part 14 (including in accordance with paragraph (a)) will be taken to be a failure to comply with new Part 14.

(3) For the purposes of the periodic elections to determine the membership of councils to be held in 2026, the ***special disclosure period*** and ***disclosure period*** under sections 81 and 81A (respectively) of new Part 14 in relation to a candidate who is not a new candidate will be taken to commence on the commencement day.

(4) For the purposes of subregulation (3), a candidate is a ***new candidate***, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been a candidate at a supplementary election held after the last general election of a council.

(5) In this regulation—

commencement day means the day on which section 21 of the *Statutes Amendment (Local Government Elections Review) Act 2025* comes into operation;

new Part 14 means Part 14 of the Act (as in force on and after the commencement day);

old Part 14 means Part 14 of the Act (as in force immediately before the commencement day).

17—Conduct of council during election period

(1) For the purposes of section 91A of the Act, the following kinds of decisions are excluded from the definition of ***designated decision***:

(a) a decision of a kind referred to in paragraph (c) of the definition if the decision—

(i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*; or

(ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or

(iii) relates to the employment of a particular council employee (other than the chief executive officer); or

(iv) is made in the conduct of negotiations relating to the employment of council employees generally, or a class of council employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or

(v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council;

(b) a decision of a kind referred to in paragraph (a) of the definition if the decision is for the suspension of a chief executive officer for serious and wilful misconduct.

(2) In this regulation—

election period has the same meaning as in section 91A of the Act.

Schedule 1—Prescribed forms

Form 1—Declaration of eligibility

Name of declarant:

Address:

Office:

Council:

Area/ward:

I declare that I would, if an election were held for the office set out above, be eligible to stand as a candidate for election to the office.

Signature:
Date:

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.

Legislation revoked by principal regulations

The *Local Government (Elections) Regulations 2025* revoked the following:

Local Government (Elections) Regulations 2010

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2025	73	*Gazette 31.7.2025 p2891*	1.9.2025: r 2
2025	144	*Gazette 18.12.2025 p4968*	1.1.2026: r 2
2026	**77**	***Gazette 27.8.2026 p2865***	**27.8.2026: r 2**

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		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*1.1.2026*
r 6		
r 6(2)	**amended by 77/2026 r 3(1)**	**27.8.2026**
r 6(3)	**amended by 77/2026 r 3(2)**	**27.8.2026**
r 6(10) and (11)	**inserted by 77/2026 r 3(3)**	**27.8.2026**
r 11		
r 11(4)	**substituted by 77/2026 r 4**	**27.8.2026**
r 16	substituted by 144/2025 r 3	1.1.2026
Sch 2	*omitted under Legislation Revision and Publication Act 2002*	*1.1.2026*

Historical versions

1.1.2026