



House of Assembly Candidate Guide

RO 16

State Election
MARCH 21

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Introduction

The House of Assembly Candidate Guide assists those interested in nominating as a candidate to stand for parliamentary elections to the lower house of the South Australian parliament.

Although this publication outlines key legal requirements, for further information you should consult South Australian legislation - the *Electoral Act 1985 (SA)* (the EA), the Regulations under that EA, and the *Constitution Act 1934* (the CA). The EA, Regulations and CA may be downloaded from the South Australian Government Legislation website at www.legislation.sa.gov.au.

While the Electoral Commission of South Australia (ECSA) will provide information, it cannot offer legal advice regarding the interpretation of the EA or the conduct of election campaigns. You may wish to consider seeking your own independent legal advice on any complex queries.

A House of Assembly Returning Officer is appointed to conduct the election in your electoral district and can be contacted to discuss various election matters including nominations, ballot paper draw, polling booth locations, appointment of scrutineers and count schedules. The names, addresses and contact details of each Returning Officer are available from ECSA.

For further information please contact:

Electoral Commission of South Australia
Level 6, 60 Light Square
ADELAIDE SA 5000
(08) 7424 7400

Or

Visit the ECSA website at www.ecsa.sa.gov.au.

The election website includes a range of election information and education resources that might be of interest to you and electors in your district.

Mick Sherry
ELECTORAL COMMISSIONER

House of Assembly Candidate Checklist

- ☐ I am enrolled as an elector and eligible to stand as a candidate
- ☐ I have lodged my nomination with the correct electoral official prior to the close of nominations together with a deposit of \$1000 paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer Form RO106).
- ☐ If paying the nomination deposit by EFT I have included with the nomination a printed EFT receipt that shows:
 - ☐ successful lodgement of the deposit payment;
 - ☐ recipient BSB Number;
 - ☐ recipient Account Number; and
 - ☐ deposit amount paid.
- ☐ I have indicated my intention to lodge voting ticket(s) on the nomination form
- ☐ I have clearly printed my ballot paper name on the nomination form
- ☐ I have lodged my voting ticket(s) within 72 hours after the close of nominations with ECSA or the Returning Officer
- ☐ I am aware that my election advertising material must be authorised, not misleading, within size limits and displayed as permitted by electoral legislation/council by-laws
- ☐ I have lodged my Section 66 how-to-vote card with ECSA within 4 days after the close of nominations
- ☐ I am aware if I lodge a how-to-vote card under Section 66, any other how-to-vote card I distribute (whether on its own or part of any other material) must have substantially the same appearance as the lodged card
- ☐ I am familiar with the electoral offences under the EA
- ☐ have familiarised myself with the process for appointing scrutineers to represent me during polling and/or the scrutiny and count of ballot paper

House of Assembly how-to-vote card lodgement checklist

Section 66 how to vote card requirements

- ☐ size: must be within 90mm wide x 150mm height
- ☐ the words 'how-to-vote' appear (anywhere on the card)
- ☐ optional: Registered Party name OR the word 'Independent'
- ☐ the words 'House of Assembly' appears on the how to vote card
- ☐ the district name for which the card is being lodged appears on the how to vote card
- ☐ all candidate names appear in ballot paper order
- ☐ all candidate names are spelt correctly (eg a candidate name appearing on the ballot paper as SMITH, Anthony cannot be reproduced as SMITH, Tony on the how to vote card)
- ☐ 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
- ☐ the name and address of the person authorising the card appears at the bottom
- ☐ no other matter appears on the how to vote card eg logos, images

OR - Requirements if lodging a section 66 how-to-vote card and not wishing to recommend preferences to voters" **(permitted only if voting ticket lodged)**

- ☐ confirm 'lodgement of voting ticket indicated' on lodged copy of RO 42 Party Endorsed Candidates nomination form OR RO 45 Independent Candidate nomination form
- ☐ immediately before the surname of the candidate for whom the how to vote card is being lodged, 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
- ☐ name and address of person authorising the how to vote card (not a PO Box) at bottom of card. **Note:** an advertisement authorised by a candidate who is not endorsed by a registered political party may, with the approval of the Electoral Commissioner, include a post office box address for the candidate (instead of a street address) at the end if the suburb in which the candidate resides is also included at the end of the advertisement
- ☐ name and address of printer of the how to vote card at bottom
- ☐ no other matter to appear on the how to vote card eg logos, images

Section 112A how to vote card requirements

- ☐ the words 'how-to-vote' appear on the card
- ☐ the candidate name (or group name / all candidate names, if applicable) appears on the card
- ☐ the district name for which the card is published appears on the card
- ☐ voting instructions are provided, being **either**:
 - immediately before the surname of all candidates contesting the election, numbers surrounded by a square indicating the order of preference recommended for each candidate; **OR**
 - where a voting ticket identical to a Section 66 card was lodged, immediately before the surname of the candidate for whom the card is lodged, the number '1' surrounded by a square together with a statement to the effect that the elector must express preferences for all other candidates
- ☐ all candidate names (if listed) are spelt correctly and correspond with ballot paper names
- ☐ the name and address of the person authorising the card appears on the card
 - **note:** if approved under section 112A(1a), a post office box address may be used for an independent candidate, provided the suburb in which the candidate resides is also included
- ☐ font size requirements for the party name or abbreviation, or the independent candidate's name and the word "candidate" are met:
 - A6 size or smaller – minimum Arial 10 pt
 - larger than A6 but smaller than A3 – minimum Arial 14 pt
 - larger than A3 – minimum Arial 20 pt
- ☐ no other matter appears on the how-to-vote card beyond what is prescribed (eg no logos, images or additional material)

Additional Section 112A requirements and restrictions

- a how-to-vote card must not be distributed unless it:
 - has substantially the same appearance as a Section 66 how-to-vote card submitted by or on behalf of the candidate; OR
 - has been lodged with the Electoral Commissioner under section 112A(1)(c)(i)(B) by 12 noon on the day falling 8 days before polling day
- if a how-to-vote card is lodged under section 112A(1)(c)(i)(B), no further how-to-vote card may be lodged for the same election by or on behalf of that candidate
- if a Section 66 how-to-vote card has already been submitted, any Section 112A how-to-vote card must have substantially the same appearance as that submitted card

PART 1: Candidate information

1.1 Candidate guide

This guide is intended to assist candidates understand the legal requirements of being a candidate to stand for a House of Assembly election and explains:

- eligibility provisions;
- nomination, voting ticket and How-to-vote card requirements;
- electoral advertising requirements;
- voting and counting processes; and
- candidate campaign and scrutineering obligations.

The guide should be read in conjunction with the information relating to election funding, expenditure and disclosure.

1.2 Funding and disclosure guide and information sheet

Candidates need to be aware of the provisions and their obligations under Part 13A of the EA dealing with election funding, expenditure and disclosure.

Electoral reforms now in effect

From 1 July 2025, the *Electoral (Accountability and Integrity) Amendment Act 2024*, introduced comprehensive reforms to South Australia's electoral framework under the EA. The amendments are designed to strengthen transparency, accountability, and integrity in electoral funding and political donations with key reforms.

To support stakeholders, ECSA will provide ongoing guidance to assist participants in understanding their obligations under the new legislation; however, independent legal advice is encouraged.

Public funding (general entitlement)

ECSA administers public funding in South Australia and is available to eligible parties, candidates and independent members of parliament contesting state elections and by-elections.

Under the EA, there are 3 potential funding streams available:

- Public funding (including advance payments)
- Administrative expenditure funding (including one-off payments)
- Policy development funding.

Section 130P of the EA establishes a general entitlement to public funding to assist with costs associated with running a state election campaign or a state by-election.

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Eligible candidates or parties may apply for advance payments before polling day, subject to specific conditions under the EA.

After the election, eligible candidates or parties may lodge a claim with ECSA to receive public funding based on the number of votes received. These funds must be deposited into the relevant state campaign account.

To be eligible for public funding, a certificate must be lodged with ECSA within the timeframes specified in the EA. For further information (ECSA website www.ecsa.sa.gov.au – Public funding guide)

Advance funding

Upon submission of a section 130PF certificate, the Electoral Commissioner will provide advance funding to eligible political participants contesting House of Assembly and Legislative Council (LC) districts in a general election. Payments are made in 2 instalments and are designed to assist with campaign costs. The amount payable is based on either the number of eligible votes at a previous election or if the participant chooses, a set amount fixed by legislation. For further information (ECSA website www.ecsa.sa.gov.au – Advance funding guide)

Administrative funding (including one-off payments)

If you are elected, upon submission of a section 130U certificate you may be eligible to receive funding for administrative expenses, including expenses related to meeting your funding and disclosure obligations. This funding cannot be used for political expenditure or electoral expenditure. For further information (ECSA website www.ecsa.sa.gov.au – Funding and disclosure – all participants /Administrative funding)

Policy development funding

The purpose of policy development funding is to reimburse eligible political parties for policy development expenditure incurred in a financial year. Policy development funding is only available to entitled registered political parties upon submission of a section 130WC certificate. For further information (ECSA website www.ecsa.sa.gov.au – Funding and disclosure – all participants /Policy development funding)

Financial disclosure obligations

Part 13A of the EA also establishes a scheme of financial disclosure by certain participants including registered political parties, candidates, associated entities of registered political parties and third parties incurring or intending to incur political expenditure.

Participating candidates in public funding must observe caps on political expenditure during the capped expenditure period which runs from 1 July 2025 until 30 days after polling day. If a candidate, group, or registered political party incurs more than \$5,000 of political expenditure during the capped expenditure period, they must lodge a capped expenditure period return. This must be lodged within 60 days after polling day. For further information (ECSA website www.ecsa.sa.gov.au – Funding and disclosure – all participants /Reporting political expenditure (candidates, groups and parties))

Expenditure caps

If a candidate, group, or party has lodged a certificate to participate in public funding, they are subject to limits on their political expenditure during the capped expenditure period. The capped expenditure period return will be used by the Electoral Commissioner to determine whether the participant has adhered to their applicable expenditure cap and to determine the amount of public funding payable. For further information (ECSA website www.ecsa.sa.gov.au – Funding and disclosure – all participants /Expenditure caps)

PART 2: Election timetable

2.1 Issue of the Writ

Writs for simultaneous elections of the House of Assembly and the LC are issued by the Governor and deemed issued at one minute past midnight on the day on which it is signed.

Writs are issued 28 days prior to polling day and are addressed to the Electoral Commissioner. The Writ sets out the dates for roll close, nominations close, polling day and for their return to the Governor.

The Electoral Commissioner must as soon as practicable after the issue of a Writ:

- advertise its terms in a newspaper circulating throughout the State
- notify all Returning Officers of the election timetable specified in the Writ

Note: It is the responsibility of Returning Officers, under the direction of the Electoral Commissioner, to organise the conduct of elections in their respective districts.

Writ issue	28 days prior to polling day
Roll close	The close of the rolls must be 6 days after the issue of the Writ. • Note: Under recent amendments to the EA, eligible South Australians can now enrol up to and on polling day. • Eligible people not on the roll may submit a claim for enrolment at a polling place up until 6pm on polling day and will then be allowed to cast a declaration vote. • Their vote will not be counted immediately. It will only be admitted to the count after an enrolment investigation is satisfactorily completed in the week following polling day.
Nominations close	The close of nominations must be 3 days after the close of the rolls. Nominations close at 12 noon on that date. Note: Nominations for party endorsed candidates lodged centrally by a party's registered officer must be lodged at least 48 hours earlier.
Polling day	The day fixed for polling day is the third Saturday in March every fourth year after the last general election was held. Where there are simultaneous elections for both Houses of Parliament, polling must be on the same day.

**Declaration
of the poll
and return of
the Writ**

The Returning Officer must, as soon as convenient after the election result is known, publicly declare the result and announce the name of the candidates elected. All candidates will be advised of the date, time and place for the declaration of the poll.

Returning Officers are required to provide the Electoral Commissioner with written confirmation of the result. The Writs containing the names of successful candidates are then returned to the Governor.

2.2 2026 State Election timetable

ISSUE OF WRIT by the Governor, 28 days prior to polling day	Saturday 21 February 2026
LODGEMENT OF NOMINATIONS Nominations for both party-endorsed candidates and independent candidates may commence being lodged	Monday 23 February 2026
6 days after issue of Writ	
CLOSE OF ROLL	5 pm Friday 27 February 2026
CLOSE OF NOMINATIONS – Party endorsed candidates Deadline for registered political parties to lodge their multiple candidate nominations in bulk to Electoral Commission SA	5pm Friday 27 February 2026
3 days after close of roll	
CLOSE OF NOMINATIONS – Independent candidates Lodgement deadline for independent candidate nominations	12 noon Monday 2 March 2026

Declaration of Nominations and ballot paper position draw for House of Assembly Returning Officers will conduct the declaration of Nominations and ballot paper position draw as soon as practicable after 12 noon.		Anticipated – 3 pm Monday 2 March 2026
Close of lodgement for House of Assembly Voting Tickets – deadline for parties/candidates to lodge House of Assembly Voting Tickets (if intending to lodge)		12 noon Thursday 5 March 2026
Close of lodgement for Section 66 How-to-vote Cards – deadline for parties/candidates to lodge Section 66 How-to-vote Cards (if intending to lodge)		5pm Friday 6 March 2026
Early voting commences/concludes		Saturday 14 to Friday 20 March 2026 Except Sunday 15 March 2026
POLLING DAY 3rd Saturday in March in the 4th year after the last election		Saturday 21 March 2026
Recheck count of in-district ordinary votes taken in polling booths and early voting centres		Sunday 22 March 2026
Counts of absent (out-of-district) ordinary votes and declaration votes		Monday 23 to Saturday 28 March 2026
Final declaration vote count and grouping of ballot papers		Monday 30 March 2026
Full distribution of preferences		Monday 30 March 2026
Declaration of result /Declaration of polls		Monday 30 March to Thursday 2 April 2026
Return of the Writs (date specified in Writ)		Deadline for the Electoral Commissioner SA to return the Writs to the Governor

PART 3: Candidate eligibility

A candidate must be properly nominated before they can contest an election for the House of Assembly. Nominations are accepted at face value by ECSA or the district Returning Officer, so it is in the candidate's interest to ensure the nomination can withstand any challenge in the Court of Disputed Returns.

A candidate may stand as an independent (unendorsed) candidate OR be endorsed by a registered political party.

3.1 Eligibility for nomination

A person wishing to nominate as a candidate must be enrolled as an elector for an address in South Australia at the date of roll closure. A person can verify their enrolment at <https://check.aec.gov.au>.

Candidates need to provide their enrolled address when completing their nomination form, so it must be up to date.

A person entitled to enrol must be:

- at least 18 years old; and
- an Australian citizen, or
- a British subject who was enrolled on either a South Australian, Commonwealth or Territory roll sometime between 26 October 1983 and 25 January 1984 inclusive; and
- of sound mind; and
- a resident of South Australia and has lived at their principal place of residence (for which they claim enrolment) for at least one month immediately preceding the date of the claim for enrolment.

A person is not qualified to be a candidate for election as a member of the House of Assembly if the person would, if elected, be required to immediately vacate his or her seat under section 31 of the CA.

Section 31 of the CA states:

- (1) If any member of the House of Assembly:
 - (a) for twelve sitting days consecutively of any session of the House of Assembly without the permission of the House entered upon its journals fails to attend in the House; or
 - (b) is not or ceases to be an Australian citizen; or
 - (b) takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power; or
 - (c) does, concurs in, or adopts any act whereby the member may become a subject or citizen of any foreign state or power; or

- (e) becomes bankrupt or an insolvent debtor within the meaning of the laws in force in the State relating to bankrupts or insolvent debtors; or
- (f) becomes a public defaulter; or
- (g) is attainted of treason; or
- (h) is convicted of an indictable offence; or
- (i) becomes of unsound mind,

the member's seat in the House of Assembly shall thereby become vacant.

- (2) The seat of a member of the House of Assembly is not vacated because the member acquires or uses a foreign passport or travel document.

3.2 Multiple nominations

A person cannot be nominated as a candidate for an election for the House of Assembly and the LC, or for two or more Assembly elections, to be held on the same day.

At the declaration of nominations, if a person is nominated as a candidate in more than one of those elections, each of those nominations is invalid [EA s52(2)].

3.3 Officers or employees of the Crown

A person who is an officer or employee of the Crown should check the relevant State or Commonwealth legislation, detailing the requirements of public sector employees when contesting State elections (eg *Public Sector Act 2009 (SA)*; *Public Service Act 1999 (Cth)* and Regulations).

Section 45(2) of the CA states '*If a candidate for election as a member of Parliament holds an office of profit from the Crown the candidate shall, unless he or she resigns that office before the date of the declaration of poll, be incapable of being elected*'.

As a guide only, public sector employees who are successful at the election, need to have forwarded to their Chief Executive Officer a letter of resignation and have it accepted in writing no later than the close of business on the day prior to the declaration of the poll for their election (or at an earlier date if they so choose).

For State public sector employees requiring further advice or guidance, contact the Office of the Commissioner for Public Sector Employment.

3.4 Inability to be nominated or elected

The CA specifies a number of circumstances whereby certain persons may be incapable of being nominated or elected to Parliament.

Disqualification of members occupying seats in both Houses

CA s43A

- (1) No member of the Legislative Council shall be capable of being nominated as a candidate for election as a member of the House of Assembly.

**Disqualification
of Judges**

CA s44

No Judge of any court of the State shall be capable of being elected a member of the Parliament.

**Disqualification
of members holding
offices of profit**

CA s45

- (2) If a candidate for election as a member of Parliament holds an office of profit from the Crown the candidate shall, unless he or she resigns that office before the date of the declaration of poll, be incapable of being elected.

**Prevention of
membership of both
Commonwealth and
State Parliaments**

CA s47

- (1) No member of either House of the Parliament of the Commonwealth shall be a member of either House of the Parliament of the State.
- (2) If any member of either House of the Parliament of the State is elected a member of either House of the Parliament of the Commonwealth the member shall vacate his or her seat in the Parliament of the State on taking his or her seat in the Parliament of the Commonwealth.
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PART 4: Nomination procedures

4.1 Nomination forms

Nomination forms are available at www.ecsa.sa.gov.au or from ECSA.

4.2 Lodgement of nominations

It is important to remember that each candidate is responsible for their own nomination and must ensure that it complies with the requirements of the CA and EA.

A nomination can only be lodged after the issue of the writ and on the official nomination form.

4.3 Process for independent candidates

How to nominate

A candidate must nominate by filling in the official House of Assembly Nomination Form (Independent Candidate) RO 44. This must be accompanied by the official House of Assembly List of Nominators (Declaration Form) RO 44A and contain the details of at least 20 persons who, at roll close for the relevant election, are enrolled and qualified to vote for the district the candidate intends to contest.

The completed nomination forms must be accompanied by a deposit of \$1,000 paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO106).

If the deposit is to be paid by EFT, the payment should be sent with the payment identifying descriptor of '**{Candidate SURNAME – District Name -House of Assembly Deposit}**'.

A printed EFT receipt should also be provided with the nomination that shows the:

- successful lodgement of the deposit payment;
- recipient BSB Number;
- recipient Account Number; and
- deposit amount paid.

A deposit cannot be accepted in the form of cash or personal cheque as they fall outside the definition of the prescribed manner.

Only original forms can be accepted. A faxed or emailed nomination form will not be accepted.

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Where to nominate	The completed nomination form, deposit and nominator declaration forms must be lodged with the relevant district Returning Officer. A candidate is advised to contact the Returning Officer to arrange a suitable date and time for nomination lodgement. Returning Officer contact details are shown on the ECSA website www.ecsa.sa.gov.au.
When to nominate	Nominations must be lodged after the issue of the writ and by no later than the close of nominations. It is recommended that nominations be lodged early to allow for the checking of 20 nominators and to ensure there is sufficient time to resolve any issues.

Forms to be completed by independent (non-party endorsed) candidate

Form RO 44	Independent Candidate Nomination Form Completed with various details, including candidate's enrolled address, contact details, ballot paper name, and voting ticket lodgement intention.
Form RO 44A	List of Nominators (Declaration Form) Completed with the names, enrolled address, date of birth and signatures of at least 20 nominators who are electors enrolled for the House of Assembly district for which the candidate is nominating. However, if an independent (entitled) candidate has lodged a 130PF certificate for advanced funding they do not need to lodge the form RO44A at the time of nomination. <i>Note: Candidates who have already provided 20 nominators at the time of application for Advance Funding do not need to include nominators at the time of nomination.</i>
Form RO 45	Voting Tickets Advice of Independent Candidate Preferences Statement of preferences lodged with the Returning Officer or Electoral Commissioner within 72 hours after the close of nominations, provided the candidate has indicated their intention to lodge voting ticket(s) on the nomination form.

4.4 Process for party endorsed candidates

How to nominate

A party endorsed candidate must complete the official House of Assembly Nomination Form RO 40B and return it to the party's registered officer in sufficient time for lodgement.

The registered officer may lodge in bulk, all party nomination forms together with a deposit of \$1,000 for each candidate nominated paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106).

If the deposit is to be paid by EFT, the payment should be sent with the payment identifying descriptor of '{DISTRICT Name_SURNAME_HA Deposit}'. A printed EFT receipt should also be provided with the nomination that shows the:

- successful lodgement of the deposit payment for all nominated candidates;
- recipient BSB Number;
- recipient Account Number; and
- deposit amount paid.

Only original forms can be accepted; a faxed or emailed nomination form will not be accepted.

Cash or personal cheque are not acceptable forms of deposit.

The names of all party endorsed candidates must be listed on the official House of Assembly Endorsed List of Party Candidates and Ballot Paper Name Form RO 40A and accompanying Forms RO 40B.

Alternatively, an endorsed party candidate may nominate as a single candidate by 12 noon on the day fixed for the close of nominations, on nomination Form RO 43. This form is only completed by an endorsed candidate if their nomination form is not lodged by the registered officer of the party at least 48 hours before nominations close.

Where to nominate

It is expected that all registered parties will lodge nominations with the Electoral Commissioner centrally at ECSA, [60 Light Square, Adelaide South Australia 5000](#)

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When to nominate	Registered officers must lodge nominations of party endorsed candidates at least 48 hours before the hour of nomination.
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Note – with nominations closing on Monday 2 March, party endorsed candidate lodgements cannot be made on Saturday – they must be lodged by Close of Business, **5pm on Friday 27 February 2026.**

Forms to be completed by or on behalf of party endorsed candidates

Form RO 40A	Multiple nominations endorsed by party Completed by the registered officer of the political party and includes ballot paper descriptive information for all party endorsed candidates. RO 40A is lodged with all RO 40B forms.
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Form RO 40B	Party Candidate Nomination Form Completed by an endorsed party candidate and returned to the party's registered officer for lodgement. The nomination form contains the candidate's enrolled address, contact details, ballot paper name and voting ticket lodgement intention.
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Form RO 42	Voting Tickets Advice of Party Candidate Preferences Statement of preferences completed on behalf of party endorsed candidates by the registered officer of the party and lodged with the Electoral Commissioner within 72 hours after the close of nominations, provided the candidate has indicated their intention to lodge voting ticket(s) on the nomination form.
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**Form
RO 43**

**House of Assembly Nomination Form
Single party endorsed candidate**

This form is only completed by an endorsed candidate if their nomination form is not lodged by the registered officer of the party before the deadline for lodging multiple nominations.

An endorsed candidate may nominate in the same manner as an unendorsed candidate.

However, the nomination form must be accompanied by Form RO 44A containing the details and signatures of at least twenty (20) nominators who are electors enrolled for the district that the candidate is contesting.

The forms must be lodged with the relevant Returning Officer together with a deposit of \$1,000 paid by banker's cheque (made payable to the Electoral Commission of South Australia) or by Electronic Funds Transfer (EFT) of the amount into an ADI account specified by the Electoral Commissioner (please refer to Form RO 106).

Note: *Candidates who have already provided 20 nominators at the time of application for Advance Funding do not need to include nominators at the time of nomination.*

4.5 Return of Nomination Deposit

The deposit lodged with a nomination will be returned to a candidate (or a person authorised to receive it), if:

- the candidate is elected; or
- the candidate receives more than 4% of the total number of formal 1st preference votes; or
- the candidate dies before polling day; in this case the deposit is returned to the candidate's personal representative; or
- the candidate withdraws their nomination before nominations close; or
- the election fails; or
- the election is declared void by a Court of Disputed Returns.

4.6 Withdrawal of nomination

A candidate may withdraw their nomination by advising the relevant Returning Officer in writing before the close of nominations. The nomination is then cancelled and the deposit refunded.

A nomination cannot be withdrawn once nominations have closed.

4.7 Electoral rolls for candidates

Upon request to ECSA after the Close of Nominations, a candidate may receive an up-to-date copy of the electoral roll in printed or electronic form (as determined by the Electoral Commissioner) for the district for which they have nominated.

Note: *If a copy of the roll is provided (under section 26 of the EA, a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than –*

- (a) *the carrying out of functions of a member of the Parliament of the State or the Commonwealth or a council constituted under the Local Government Act 1999 (SA), or*
- (b) *the distribution of matter calculated to affect the result of a State, Commonwealth or local government election or purposes related to the holding of such elections,*

4.8 Death of a candidate

If a candidate dies after the nominations for an election for the House of Assembly have been declared and before polling day, the election will be taken to have failed.

PART 5: Ballot papers

5.1 Ballot paper format

House of Assembly ballot papers are printed in a format prescribed by regulation.

Party endorsed candidates may contain political affiliations.

5.2 Names on ballot papers

When completing a nomination form, candidates must indicate exactly how they wish their name to appear on the ballot paper. As ballot papers are printed as soon as possible after the close of nominations and the ballot paper draw, it is essential that candidates ensure their chosen name meets the requirements and is printed clearly on the nomination form to avoid any errors.

A candidate's ballot paper name may include a shortening of the name or any name by which the candidate is generally known e.g.:

- William Jones to be printed on ballot paper as: JONES Bill
- Beatrice Jones to be printed on ballot paper as: JONES Betty
- William Smith to be printed on ballot paper as: SMITH Snowy.

The surname will be printed in CAPITALS with the given name(s) printed below in Title Case.

If a candidate requires part of their surname to be shown in lower case, the candidate must clearly indicate their wishes on the nomination form e.g.:

- McMAHON (not MCMAHON)
- MacDONNELL (not MACDONNELL)
- De LAINE (not DELAINE)
- van der MEER (not VAN DER MEER).

Candidates may also include the following elements:

- **Initials**

Initials for given names may be used if desired.
Example: FOX Michael J.

- **Hyphenated**

Hyphens in family or given names will be printed as indicated.
Example: SACKVILLE-WEST Lily

- **Accents**

and

Diacritical

Marks

Accents or other marks will be reproduced as shown on the nomination form.
Example: MILL Estée

5.3 Descriptive information on ballot papers

Endorsed party candidates

The descriptive information printed adjacent the name of an endorsed party candidate on the ballot paper is limited to:

- the registered party name; or
- the registered party abbreviation.

The registered officer of the party completes the descriptive information on form RO 40A which is lodged together with nomination forms RO 40B.

Independent candidates

Following the 2025 amendments to the EA, independent candidates are no longer permitted to include descriptive information adjacent to their name on the ballot paper.

An independent candidate may request the word “Independent” appear next to their name on the ballot paper but this is optional under Section 62.

Additional descriptive words or phrases—such as slogans, affiliations, or explanatory terms—are no longer allowed.

This change applies to all independent candidates contesting seats in the House of Assembly and Legislative Council.

Parliament repealed the former provision allowing up to three additional words following ‘Independent’.

5.4 Order of names on ballot papers

The order in which the names of candidates are printed on the ballot papers is determined by lot as prescribed by regulation. This is carried out publicly by the Returning Officer for each district at their designated office, as soon as practicable after the close of nominations.

The procedure to be undertaken by each Returning Officer is as follows:

- declare the name and address (unless the address is suppressed) of every candidate nominated for the election in that district. Where an address is suppressed, the Returning Officer must instead declare the name of the House of Assembly electoral district in which that candidate resides;
- write each candidate’s name on a separate piece of paper or card of identical size;
- place each completed card into a separate identical opaque envelope and then seal the envelope;
- place all sealed envelopes into a container and shuffle the envelopes; and
- draw out the envelopes one at a time from the container and announce the name of the candidate written on the card.

The order in which an envelope is drawn from the container determines the order of candidate names placed on the ballot paper. The first to be drawn being the first in the order, and so on, until the order has been determined.

5.5 Photographs

If any candidates have the same or similar names, the Electoral Commissioner may require photographs to be printed on the ballot paper. These would need to be supplied to the Electoral Commissioner as soon as possible and certainly within three days after the close of nominations [EA s64].

The photograph must:

- have been taken within the previous twelve months;
- be in black and white;
- be a full-faced vertical portrait of the candidate's head and shoulders;
- be at least 15 centimetres in length and 10 centimetres in width; and
- 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.

If a candidate fails to submit a conforming photograph within the timeframe allowed by the Electoral Commissioner, the candidate's nomination becomes void.

PART 6: Voting tickets

6.1 What is a voting ticket?

A voting ticket is a written statement of preferences, used to interpret the votes of electors who do not indicate a preference for all candidates on the House of Assembly ballot paper. Its purpose is to 'save' partially preferred ballot papers that would normally be informal and render them as formal.

If an elector fails to express a preference for all candidates on the ballot paper, but the preferences that are expressed are consecutive and follow the same order as displayed on a candidate's voting ticket, then the ballot paper is formal and is deemed to have followed all preferences recorded on the voting ticket.

The following example shows ballot papers that would be rendered formal if a voting ticket was lodged.

Registered Voting Ticket	
Candidates	
☐ 3	GREYRð
☐ 4	WHITE, Anne
☐ 2	BLUE, Steven
☐ 1	PINK, Susan
☐ 5	BROWN, Sam

Incomplete ballot papers corresponding to a registered voting ticket are rendered formal

Candidates	
☐	GREYRð
☐	WHITE, Anne
☐	BLUE, Steven
☐ 1	PINK, Susan
☐	BROWN, Sam

Candidates	
☐	GREYRð
☐	WHITE, Anne
☐ 2	BLUE, Steven
☐ 1	PINK, Susan
☐	BROWN, Sam

Candidates	
☐ 3	GREYRð
☐	WHITE, Anne
☐ 2	BLUE, Steven
☐ 1	PINK, Susan
☐	BROWN, Sam

6.2 Lodgement of voting ticket(s)

The EA allows candidates to lodge up to 2 voting tickets with ECSA within 72 hours of the close of nominations, providing the candidate has indicated their intention to lodge voting ticket(s) on the nomination form.

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An independent candidate wishing to lodge voting ticket(s) must complete and submit form RO 45 to the Returning Officer or Electoral Commissioner.

A registered officer of a political party lodges voting tickets on behalf of endorsed candidates and must complete and submit forms RO 42. These forms are contained in booklet format and should be lodged with the Electoral Commissioner.

Each lodged voting ticket must:

- display the names of candidates in ballot paper order;
- commence with the number 1 for the candidate lodging the voting ticket or the candidate for whom the voting ticket is lodged; and
- indicate by consecutive numbers, an order of preference for all candidates contesting that election.

Example of form to be completed is shown below - it must indicate a preference for all candidates in the election.

Voting Ticket Number 1	
Indicate order of preferences	Indicate names of candidates as they will appear on the ballot paper
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	

Voting Ticket Number 2	
Indicate order of preferences	Indicate names of candidates as they will appear on the ballot paper
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	
☐	

PART 7: How-to-vote cards

A how-to-vote card is a card prepared by, or on behalf of a candidate, that indicates the manner in which a vote should be recorded by a voter.

Candidates need to be aware of the general provisions under the EA that relate to the distribution of how-to-vote cards during an election period in particular the requirements of Sections 66 and 112A.

- Section 66 of the EA and Regulation 19 relates to how-to-vote cards submitted to the Electoral Commissioner for display in voting screens on polling day and printed in booklets for early voting centres (EVCs), remote mobile polling, and declared institutions.
- Section 112A of the EA and Regulation 20 relates to any material that has the appearance of a how-to-vote card that is distributed or made available during the election period (whether published on its own or as part of any other material).

7.1 How-to-Vote Cards (Section 66 & Regulation 19)

A candidate may submit a how-to-vote card to the Electoral Commissioner under Section 66 of the EA for use in posters and booklets at all in-person voting services.

Lodging a how-to-vote card is optional and the decision rests with the candidate or, for registered parties, the party's registered officer.

If submitting, two identical cards must be provided and received by the Electoral Commissioner no later than 4 days after nominations close.

The cards will be used to prepare:

- posters for display in ordinary voting screens at polling booths – reproduced in colour
- booklets for use in EVCs, remote mobile polling, declared institutions and declaration vote issuing areas at polling booths – reproduced in black and white.

How-to-vote cards may be submitted electronically. If a candidate chooses to submit a how-to-vote card electronically, it must comply with the regulations and be submitted in PDF format.

The how-to-vote cards will be displayed on the poster and in booklets in the same order as the names of candidates appearing on the ballot paper. If a candidate does not submit a how-to-vote card, a space of identical size will be provided for the candidate and the following wording will be printed, 'No How-to-Vote Card Lodged by *Surname, Given Name(s)*'.

Regulation 19 – Requirements for How-to-Vote Cards (House of Assembly)

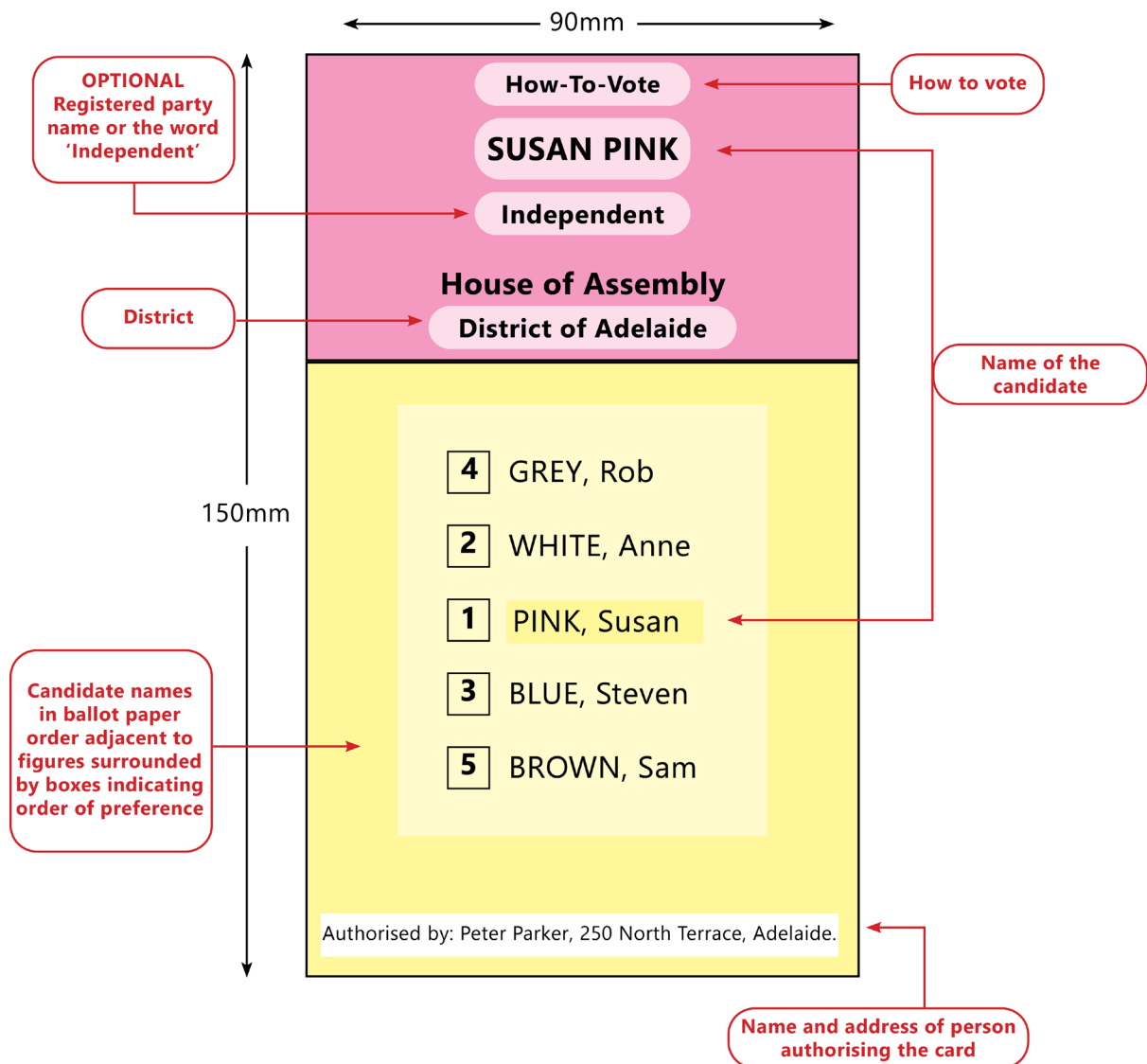
Regulation 19 prescribes the requirements of how-to-vote cards that must be submitted under Section 66 of the EA.

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If you submit a How-to-Vote card for inclusion in posters displayed at polling booths:

- Size: Maximum 150 mm (length) × 90 mm (width).
- Mandatory content:
 - The words “how-to-vote”.
 - Candidate’s name (or group/all candidates).
 - Authorisation details:
 - If approved under section 112A(1a): candidate’s PO Box and suburb.
 - Otherwise: address of the person who authorised the card (at the bottom).
- District name being contested.
- Voting instructions:
 - Either:
 - Numbers in squares before each candidate’s surname showing recommended preference order; or
 - If a voting ticket was lodged: “1” in a square before the candidate’s surname, plus a statement that voters must express preferences for all other candidates.
- Optional content:
 - Party name or abbreviation.
 - “Independent” description.
- Format: May be submitted electronically.
- Restrictions: No other material may appear on the card.

7.2 Section 66 how-to-vote card requirements



7.3 Section 112A – special provisions relating to How-to-Vote cards

Section 112A places restrictions on the form of how-to-vote cards that are distributed or made available (including in electronic form) during the election period. Candidates must observe the requirements under the EA and familiarise themselves with both Section 112A together with Regulation 20.

A how-to-vote card must not be distributed during the election period unless:

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- it has been properly authorised; and
- the card has substantially the same appearance as a how-to-vote card that has been submitted to the Electoral Commissioner under Section 66; or
- the card has been lodged under Section 112A(1)(c)(i)(B) with the Electoral Commissioner no later than 12 noon on the day falling 8 days before polling day; or
- the card is a compilation of more than 1 how-to-vote card of a kind submitted under Section 66 or lodged under Section 112A to the Electoral Commissioner (provided they relate to different electoral districts).

A how-to-vote card lodged under Section 112A(1)(c)(i)(B) must be compliant with Regulation 20 under the EA.

If a how-to-vote card is lodged under Section 112A(1)(c)(i)(B) by or on behalf of a candidate, no further how-to-vote card may be lodged in relation to the same election by or on behalf of that candidate.

If a how-to-vote card is submitted to the Electoral Commissioner by or on behalf of a candidate under Section 66 (the *initial submitted how-to-vote card*), any how-to-vote card that is subsequently lodged under Section 112A(1)(c)(i)(B), must have substantially the same appearance as the initial submitted how-to-vote card.

How-to-vote cards will be taken to have substantially the same appearance if the cards are identical except for:

- the size or shape of the cards; or
- the fonts used in the cards; or
- the material or medium on which the cards are printed or published; or
- the manner in which the cards suggest that a voter indicate the order of preference for candidates on the ballot paper; or
- any other matter prescribed by the regulations for the purposes of this subsection.

A how-to-vote card distributed by or on behalf of a candidate (the relevant candidate) will be taken not to have substantially the same appearance as –

- (a) the relevant candidate's initial submitted how-to-vote card under Section 66 (if any); or
- (b) a how-to-vote card lodged under Section 112A (1)(c)(i)(B) by or on behalf of the relevant candidate,
if -
 - (c) the distributed how-to-vote card indicates that the first preference vote should be given to a different candidate from the relevant candidate or any other candidate indicated as a candidate to whom a first preference vote should be given on a how-to-vote card referred to in paragraph (a) or (b); and
 - (d) the relevant candidate has not given written notice at least 8 days before the card is distributed and in accordance with any other requirements of the regulations to

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the candidate to whom the distributed how-to-vote card indicates that the first preference vote should be given.

If the Electoral Commissioner is satisfied that a how-to-vote card has been distributed in contravention of the relevant section, the Electoral Commissioner may request that the person who authorised the card do either or both of the following:

- (a) immediately cease distributing, or causing or permitting the distribution of, the how-to-vote card
- (b) publish a retraction in specified terms and a specified manner and form, (and in proceedings for an offence against this section arising from the distribution of the how-to-vote card, the authorised person's response to a request under the subsection will be taken into account in assessing any penalty to which the person may be liable).

Note: If a candidate or group of candidates has already submitted a how-to-vote card to the Electoral Commissioner under Section 66 and wishes to distribute a how-to-vote card to electors that has substantially the same appearance as that submitted card, there is no requirement to lodge a how-to-vote card under section 112A.

Regulation 20 - Prescribed Requirements for How-to-Vote Cards (House of Assembly)

Regulation 20 prescribes the requirements of how-to-vote cards distributed during an election period for an election.

If you lodge a How-to-Vote (HTV) card under section 112A of the EA.

- Font size requirements font size requirements for the party name or abbreviation, or the independent candidate's name and the word "candidate":
 - A6 size or smaller: Arial 10 pt minimum.
 - Larger than A6 but smaller than A3: Arial 14 pt minimum.
 - Larger than A3: Arial 20 pt minimum.
 - Size comparison is based on area, not shape.
- Mandatory content:
 - The words "how-to-vote".
 - Candidate's name (or group/all candidates).
 - Authorisation details:
 - If approved under section 112A(1a): candidate's PO Box and suburb.
 - Otherwise: address of the person who authorised the card (at the bottom).
 - District name being contested.
 - Voting instructions:
 - Either:

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- Numbers in squares before each candidate's surname showing recommended preference order; or
 - If a voting ticket identical to a section 66 card was lodged: "1" in a square before the candidate's surname, plus a statement that voters must express preferences for all other candidates.
- Format:
 - May be lodged electronically.

PART 8: Electoral advertising

8.1 Provisions relating to electoral advertising

Outlined in the following table are a number of restrictions placed on advertising during and outside of an election period. Candidates need to be aware of the legislation covering electoral advertisements, commentaries and other material and must familiarise themselves with Part 13 Division 2 of the EA.

In this section:

- an electoral advertisement means 'an advertisement containing electoral matter';
- electoral matter means 'matter calculated to affect the result of an election'.

**Publication
electoral
advertisements**

EA

Ss 112(1), (1a), (2)

of A person must not publish or distribute, or cause or permit to be published or distributed, an electoral advertisement in printed form or through electronic publication on the internet unless:

- the name (being the name by which the person is usually known) and address (not being a post office box) of the author of the advertisement, or the person who authorised its publication, appears at the end; and
- if the advertisement is authorised for a registered political party or a candidate endorsed by a registered political party, the party's name or, if the Register of Political Parties includes an abbreviation of the party's name, that abbreviation appears at the end; and
- if the advertisement is authorised for a relevant third party, the relevant third party's name appears at the end; and

Candidates who are not endorsed by a registered political party (ie independent candidates) may, with the approval of the Electoral Commissioner, authorise an advertisement which includes a post office box address for the candidate instead of a street address, providing also that the suburb in which the candidate resides is also included at the end of the advertisement. Contact us via email ecsa.nomination@sa.gov.au to request approval.

This does not apply to:

- a car sticker, T-shirt, lapel button or badge, pen, pencil or balloon; or
 - an electoral advertisement consisting of a letter or leaflet that carries the signature and the name and address (not being a post office box) of its author and is not printed -
 - by a person who carries on the business of printing or a business a significant part of which involves printing; or
 - by or on behalf of a person who publishes a newspaper, magazine, periodical or similar publication.
-

Electoral material published on the internet (including social media) Electoral material published on the internet must include the authorisation described above, except where the name and address of the authoriser is immediately accessible by viewers of the material.

EA ss112(1)

In the context of social media, it is acceptable for authorisation to be in the 'about' section, provided it is immediately accessible. The authorisation must be in the 'about' section itself, not via a link.

Comments and replies are not required to be separately authorised if the authorisation appears in the 'about' section of the page publishing the comments or replies

Special provision relating to how-to-vote cards Refer to Part 7 – How-to-vote cards

EA s112A

**Certain descriptions
not to be used**

EA s112B

A person must not publish by any means (including radio or television) or distribute an electoral advertisement (including in electronic format) or a how-to-vote card that identifies a candidate

- by reference to the registered name of a registered political party or a composite name consisting of the registered names of 2 registered political parties; or
- by use of the word or a set of words containing the word "Independent" and:
 - the name, or abbreviation or acronym of the name, of a parliamentary party or a registered political party; or
 - matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a registered political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym; or
- by the use of a word or a set of words that could not be, or may not be able to be, registered as the name, or as part of the name, of a registered political party under Part 6 because of the operation of section 42(3)(b).

unless -

- the candidate is endorsed by the relevant parliamentary party or registered political party (as the case may be); or
- the relevant parliamentary party or registered political party has consented to the use of the relevant name or names or word or words (as the case may be).

A person must not publish or distribute an electoral advertisement or a how-to-vote card that identifies a candidate by use of the word "Independent" if the candidate is endorsed by a registered political party.

**Misleading
advertising**

EA ss113(1), (2), (4)

A person who authorises, causes or permits the publication of an electoral advertisement by any means (including social media, radio or television) is guilty of an offence if the advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

The Electoral Commissioner may request the person who authorised, caused or permitted the publication of an electoral advertisement which contained a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent to do one or more of the following:

- withdraw the advertisement from further publication;
- publish a retraction in specified terms and a specified manner and form.

**Headings to
electoral
advertisements**

EA s114

If electoral matter is published in written form (whether for sale or distribution without charge or payment of other consideration has been, or is to be, given for publication of the matter) in a newspaper, magazine or other periodical, or in an electronic publication on the internet, the publisher of the matter must ensure the word 'advertisement' is included as a headline to each article or paragraph containing the electoral matter.

If the matter is published in a newspaper, magazine or other periodical, the headline must be in letters not smaller than 10 point or long primer.

If the matter is published in an electronic publication, the headline must be in letters of a size that will be readily legible.

**Size of electoral
Advertisements**

EA s115, 125

ER 22(1)

No electoral advertisement more than 1 square metre in area can be exhibited on:

- a vehicle or vessel; or
- a building, hoarding or other structure e.g. fences.
- If two or more electoral advertisements are placed within one metre of each other and exhibited on behalf of the same candidate or political party, they will be taken to be a single advertisement.

However, if such advertisements are displayed on different surfaces which interface at an angle of 270° or more, then they are not considered to be a single advertisement (see diagram below).

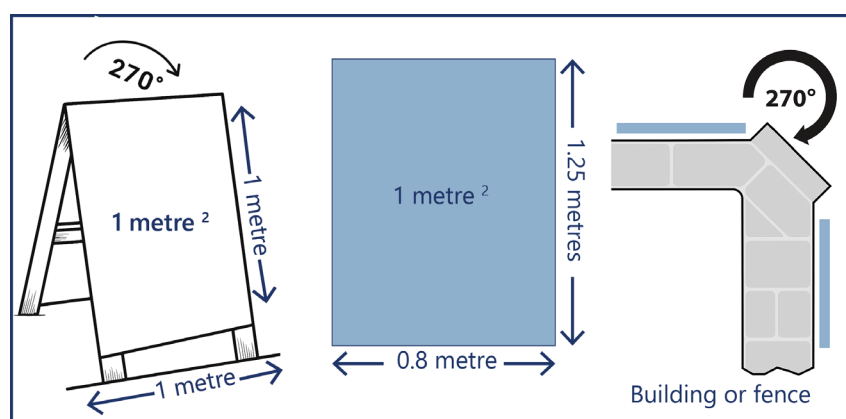


Diagram Extracted from [Electoral Advertising - Information Sheet](#)

Electoral Advertising Posters

Electoral advertising posters (commonly referred to as 'corflutes') are now prohibited on public roads and road related areas (including any structure, fixture or vegetation on a public road or road-related area). Road related areas cover:

- an area that divides a road;
- a footpath or nature strip adjacent to a road;
- an area that is not a road and that is open to the public and designated for use by cyclists or animals;
- any public place that is not a road and on which a vehicle may be driven, whether or not it is lawful to drive a vehicle there.

The prohibition does not apply to a person holding an electoral advertising poster (either directly in their hands or by holding an implement or device to which the poster is attached). It also does not apply or where the poster is not attached to a building, hoarding,

fixture or structure anything on a public road or /road related area, and at a place or in the vicinity of a place where a designated event or activity is being held, and is exhibited at the time of the event and for a maximum of 6 hours.

Polling Booths

Advertising posters must not be placed within 6 metres of the entrance to a polling booth.

This distance may be reduced at the discretion of the polling booth manager.

Posters must be located within 50 metres of the entrance to the polling booth.

A maximum of 12 posters may be displayed within that 50-metre zone, and only if they are:

- Exhibited by a candidate or
- Displayed with the candidate's consent.

Special Cases

Theatre and drive-in theatres exception: Advertisements larger than 1 square metre may be projected onto a screen at a theatre or drive-in theatre.

Candidate/Party Offices

There is no size restriction for advertisements displaying the name of a candidate or political party at or near their office or committee room, provided they are not within 100 metres of a polling booth entrance.

An electoral advertisement of any size may be exhibited at, or in the vicinity of, a place in which a press conference, meeting, campaign launching, campaign rally, fete, dinner, garden party, ball, barbecue or other gathering provided that:

- the gathering is organised by, on behalf of or for, a registered political party or a candidate at a House of Assembly election; and
- the advertisement is exhibited:
- immediately before, during or immediately after such a gathering; and

-
- for a period or periods not exceeding 24 hours.
-

Automated political calls

EA s115A

Candidates or groups of candidates standing for election to the Parliament of South Australia or any other Australian Parliament, registered political parties in any Australian state or territory, members of any Australian parliament (including the South Australian Parliament) and persons acting on their behalf are prohibited from making, or causing or permitting the making of, a call by telephone including associated technology ("robocalls") consisting of unsolicited automated calls containing a pre-recorded message relating to a state election.

They are also prohibited from undertaking an automated opinion poll, or other research, relating to a State election or the voting intentions of electors using computer scripts rather than by an individual ("robopolling").

Other persons may make, or cause or permit the making of "robocalls" and conduct "robopolls" providing they ensure that immediately after that part of the call consisting of the advertisement, the following statements are made:

(a) the name and address (not being a post office box) of the person who is making, or who authorises the making of, the call; or

(b) if the call is authorised for a relevant third party—the name of the relevant third party.

Certain artificially generated electoral advertisements prohibited

EA s115B

A person must not distribute, or cause or permit to be distributed, an artificially generated electoral advertisement that contains a depiction of a simulated person performing an act that the real person depicted in the depiction did not perform. An artificially generated electoral advertisement means an electoral advertisement containing audiovisual, visual or audio content that is generated wholly by artificial intelligence or is created or altered by use of technology or a prescribed kind.

Depiction includes an audiovisual, visual or audio depiction of a real person.

**Prescribed
artificially
generated electoral
advertisements to
include certain
statements**

EA s115C

A person must not distribute, or cause or permit to be distributed, a prescribed artificially generated electoral advertisement unless the advertisement contains a statement that it is a prescribed artificially generated electoral advertisement and that complies with the following:

- in the case of a statement that contains audio content the statement must be spoken so that it is clearly audible and intelligible, in the same language as the other content of the advertisement, at the beginning or end of the advertisement and for a duration of at least 3 seconds;
- in the case of an advertisement that contains audiovisual content the statement must:
 - be spoken so that it is clearly audible and intelligible, in the same language as the other content of the advertisement, at the beginning or end of the advertisement and for a duration of at least 3 seconds; and
 - be displayed so that it is clearly legible, in the same language as the other content of the advertisement, for the duration of the advertisement and in accordance with any other requirements prescribed by the regulations;
 - in any other case the statement must be displayed so that:
 - it is clearly legible and is in the same language as the other content of the advertisement; and
 - if the advertisement is of a limited duration it appears for the duration of the advertisement; and
 - it complies with any other requirements prescribed by the regulations.

**Withdrawal etc of
certain
advertisements**

EA s115D

(If, on application, the Electoral Commissioner is satisfied that an artificially generated electoral advertisement or prescribed artificially generated electoral advertisement contravenes a provision of section 115B or 115C (as the case may be), the Electoral Commissioner may request the person who distributed, or caused or permitted to be distributed, the advertisement to do 1 or more of the following:

- withdraw the advertisement from further publication;
- publish a statement relating to the contravention in specified terms and a specified manner and form,
- (and in proceedings for an offence against section 115B or 115C arising from the advertisement, a person's response to a request under this subsection will be taken into account in assessing any penalty to which the person may be liable).

Published material to identify person responsible for political content <i>EA s116</i>	During an election period, a person must not publish material (written form or on radio or television) containing commentary about any candidate or political party or the issues being submitted to electors unless the material or the programme in which the material is presented contains a statement of the name and address (not being a post office box) of a person who takes responsibility for the publication of the material.
--	---

This section does not apply to:

- leading articles published in a newspaper, magazine or other periodical;
- the publication of a report of a meeting that does not contain any comment (other than comment made by a speaker at the meeting) on any candidate, or political party, or the issues being submitted to electors;
- the publication in a newspaper, magazine or other periodical of an article, letter, report or other matter if the journal contains a statement to the effect that a person whose name and address (not being a post office box) appears in the statement takes responsibility for the publication of all electoral matter published in the journal;
- the publication of a letter (other than described immediately above) provided it contains the name and address (not being a post office box) of the author of the letter;
- a news service or current affairs programmes on radio and television; and
- any other prescribed material or class of material such as a weblog, survey or other forum in which members of the public may post comments.

Moveable signs and removal of <i>LGA ss226, 227</i>	Check local government by-laws or guidelines relating to the design, display and removal of election signage. Council consent must be obtained before any signs can be attached or erected on property under the care and control of a Council.
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8.2 Ban on political advertising broadcasts

In accordance with Schedule 2 of the *Broadcasting Services Act 1992*, a political advertising broadcast ban prohibits registered political parties and independent candidates from engaging in advertising broadcasts from midnight on the Wednesday before polling day and up until 6pm on polling day.

PART 9: Scrutineers

9.1 Role of scrutineers

Scrutineers are an important part of the election process and are appointed by candidates to represent them during polling and throughout the various stages of counting ballot papers.

A scrutineer:

- is appointed to act as an independent observer of the electoral processes for the polling, scrutiny and counting of votes in an election;
- verifies that the procedures undertaken by electoral officers are fair, proper and according to law; and
- has legal rights and obligations under the EA.

A scrutineer **must** address any query or concern to the officer-in-charge of proceedings and not to other election officers. An officer-in-charge may be an electoral visitor or mobile polling team leader, a polling booth manager (PBM) at a polling booth, an early voting centre manager at an early voting centre, or the Returning Officer at the scrutiny and official count of ballot papers after polling day.

If a scrutineer's conduct is in any way disorderly or they fail to obey lawful directions, the officer-in-charge may ask the scrutineer to leave the polling or scrutiny location.

A Protocol for Scrutineering has been developed and has been included in the Scrutineer Guide.

9.2 Appointment of scrutineers

A candidate may appoint up to two scrutineers to represent them at a polling booth or count centre to observe procedures.

Forms for appointment may be downloaded from the ECSA website www.ecsa.sa.gov.au.

An appointment must:

- be in writing;
- contain the name and residential address of the scrutineer; and
- be signed by the candidate.

A scrutineer must hand their completed appointment form to the officer-in-charge on arrival at the polling location or counting centre. As electoral officers have no means to check the bona fides of a scrutineer, identification such as a driver's licence should be carried by the scrutineer.

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On receipt of the completed form, the scrutineer will be issued with an orange-coloured lanyard and identification badge that must be worn at all times during the scrutiny activity.

A candidate must complete a separate appointment form for each scrutiny activity that is held at a different venue (i.e. polling day and post polling day). A scrutineer attending the same venue over a number of days requires only one appointment form (i.e. attending a Returning Officer's office for post polling day scrutines and counts).

An example of Appointment of Scrutineer Form RO 59 is shown below.

Electoral Commission SOUTH AUSTRALIA		Appointment of Scrutineer		RO 59
To the Electoral Officer in Charge of proceedings				
Candidate to Complete				
Surname		Given Names(s)		
As a candidate contesting an election in the:				
☐	House of Assembly District of:			
☐	Legislative Council			
I hereby appoint the person named below to represent me at the following electoral venue:				
(Tick ✓ one box only)				
☐	Polling Booth			
		Name of Polling Booth		
☐	Central Processing Centre			
☐	Declared Institution			
☐	Returning Officer's Office			
Signature		Date		
Scrutineer to Complete				
I declare that I will not				
• act as an assistant or attempt to influence an elector while they are voting • divulge any knowledge of how any elector has voted				
Surname		Given Names(s)		
Residential Address				
Name of substitute scrutineer (only complete if required in your temporary absence)				
Signature		Date		
Note: A separate appointment form must be completed when attending more than one electoral venue				

A scrutineer may enter or leave a polling place or count centre at any time. A scrutineer who intends to be temporarily absent from proceedings may appoint a substitute by completing the section at the bottom of the form.

9.3 Where can scrutineers act?

Scrutineers may observe proceedings at any venue where ballot material is issued, counted or processed by electoral officers. These venues include:

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- declared institutions that have been gazetted to receive visits from electoral officers (i.e. hospitals, nursing homes etc)
- the ECSA Central Processing Centre (CPC) to witness:
 - the receipt of postal vote application forms and issue of ballot material
 - the receipt of early voting and polling day declaration votes and despatch to Returning Officers
- early voting centres;
- mobile polling booths in remote locations;
- polling booths; and
- office of the district Returning Officer to observe the processing of declaration vote envelopes and the scrutiny and count of House of Assembly ballot papers.

9.4 Scrutineer Guide

Detailed information concerning the rights, duties, powers and functions of scrutineers is contained in the Scrutineer Guide. A copy of the guide is available at the ECSA website www.ecsa.sa.gov.au.

PART 10: Voting facilities

The ECSA provides a range of services and facilities that allows electors to vote prior to and on polling day. These services and facilities include:

- early voting centres;
- declared institutions;
- mobile polling booths;
- postal voting; and
- polling booths.

10.1 Early voting centres (EVCs)

Early voting centres are established in metropolitan and country areas to accommodate electors who wish to vote in the week leading up to polling day.

The EVCs will issue ballot papers for ordinary votes, absent ordinary votes and declaration votes a week prior to polling day, commencing Saturday 14 of March 2026. They will be closed on Sunday 15 March 2026, and then open again from Monday 16 March 2026 through to Friday 20 March 2026. For more information on the types of votes occurring at EVCs, see the polling booth section below.

The location of EVCs is published in 'The Advertiser' after the issue of the writ and at the ECSA website www.ecsa.sa.gov.au.

Early voting papers are issued in person at:

- the head offices of other state and territory electoral administrations; and
- a selected number of overseas locations.

Candidates, party workers or representatives of a candidate can hand out how-to-vote material outside an EVC, but this must be undertaken outside the six-metre limit.

10.2 Declared institutions

The Electoral Commissioner may, by notice in the Government Gazette, declare the whole or part of an institution, such as a hospital, nursing home, prison or other place of confinement, to be a declared institution in order to allow participation in voting to electors who are unable to attend a polling booth.

Electoral visitor teams are appointed by the Electoral Commissioner and work in pairs. The team usually operate over the twelve days up to and including polling day up until 6pm. The teams may set up a room within the venue to issue facilitate voting, or they may move around the venue from room to room.

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Details of the scheduled visits will be provided to candidates by the relevant House of assembly Returning Officer.

Note: Electoral visitors only issue declaration voting papers and are not authorised to issue ordinary voting ballots.

Those persons entitled to receive voting material from electoral visitors include:

- persons residing at the declared institution;
- (where time permits) declared institution staff members that are caring for residents who are ill, infirm or disabled and would be precluded from attending a polling booth on polling day; and
- (where time permits) other declared institution staff members who are working throughout the hours of polling and could not reasonably be expected to be absent from work for the purpose of voting.

Persons allowed to be present when ballot papers are issued include:

- electoral visitors;
- the elector who is voting or a person nominated by the elector to assist the elector to vote;
- duly appointed scrutineers; and
- any person required by the institution to be in attendance on medical/safety grounds.

No more than two scrutineers for each candidate may accompany electoral visitors while they perform their duties.

10.3 Mobile polling booths (remote areas)

Remote areas of the state are visited by electoral officers during the twelve days up to and including polling day to provide in-person voting facilities for electors who are at a considerable distance from a polling booth.

The mobile polling booth operates in the same way as a polling booth however the duration of the visit in each locality varies and can range from between 1 and 8 hours.

Mobile polling locations and times are published in 'The Advertiser' and local print media and are displayed prominently in the areas to be visited by mobile polling teams. A schedule is also available from the ECSA website www.ecsa.sa.gov.au.

The Electoral Commissioner may alter the times or places for mobile polling providing a notice of the alteration is published in a newspaper circulating generally throughout the State (or a local paper), no later than the day before the date fixed for polling. If there is no such newspaper, the Electoral Commissioner must take such steps as are reasonably practicable to inform electors in the area.

Candidates, if possible, will be informed of any changes to the scheduled date and time for polling.

10.4 Postal voting

Electors who are unable to attend a polling place on polling day may apply to receive their ballot material by post. Applications can be made online at www.ecsa.sa.gov.au or by telephone.

Eligible electors may apply to be included on the register of declaration voters (RDV). Once accepted, they are not required to make further applications for future elections, as ballot material is automatically sent to them following the close of nominations.

Ballot materials are issued centrally from the Central Processing Centre (CPC). The CPC only processes applications received by:

- 5pm on the Friday 7 days prior to polling day for applications for postal votes to be sent outside South Australia.
- by 5pm on the Tuesday 4 days prior to polling day for applications for postal votes to be sent within South Australia.

Electors voting by post must complete their ballot before 6:00 pm on polling day, in the presence of an authorised witness. Completed postal declaration envelopes must be received by the relevant district Returning Officer within 7 days of the close of poll.

Note:

An authorised witness is a person (not being a candidate in an election) who is over, or apparently over, the age of 18 years; [EA s4(1)].

The Electoral Miscellaneous Amendment Bill (2024) has changed the way postal vote applications can be made and distributed. Candidates are no longer permitted to distribute postal vote applications, by any means including electronically. [EA ss74A(1),(2)].

10.5 Polling booths

ECSA establishes polling booths across the state for voting on polling day. While polling booths always belong to a House of Assembly electoral district there are a number of locations throughout the State where either two or three polling booths for adjoining districts are established at a common location. These booths are known as 'shared location polling booths' and can issue ordinary votes for each of the adjoining districts, therefore reducing the incidence of absent (out-of-district) ordinary voting.

The locations of polling booths are published at the ECSA website www.ecsa.sa.gov.au and in the 'Sunday Mail' and/or 'The Advertiser' during the week immediately preceding, and on, polling day.

Electors are sent EasyVote cards early in the election period displaying the elector's enrolled address, district name and roll number, as well as the locations of district polling booths and early voting centres.

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EasyVote cards are presented by electors at polling booths and early voting centres and assist electoral officers when determining voting entitlements and conducting roll searches to mark the roll.

Depending on the elector's enrolment and the booth they attend, an elector is entitled to record an in-district or an absent (out-of-district) ordinary vote.

An in-district **ordinary voting ballot paper** is issued to an elector who is enrolled at an address in the district for which the polling booth has been established and whose name has not previously been marked off the roll.

An **absent ordinary voting ballot paper** is issued to an elector who is enrolled outside of the district for which the polling booth has been established and whose name has not previously been marked off the roll.

A **declaration vote** is required when:

- an elector's name cannot be found on the roll, and they insist that the omission is the result of an official error; or
- an elector appears to have voted already because their name has already been marked off the roll; or
- an elector's address has been suppressed from publication on the roll (silent voter).
- an elector is a resident of a declared institution or a remote area elector
- an elector is seeking to claim enrolment on the day

Polling booths are open between 8am and 6pm and any elector inside a booth, or in the queue outside the booth, at 6pm is entitled to vote.

Note:

A candidate must not take part in the conduct or administration of an election, meaning they are prohibited from performing any official election duties—such as assisting electoral officers, handling ballot papers, or participating in processes that could influence the running of the poll—to ensure the integrity and impartiality of the election is maintained.

A candidate is prohibited from acting as an assistant to an elector at a polling booth.

10.6 Telephone Assisted Voting

Telephone Assisted Voting (TAV) will be available for the first time at the 2026 South Australia State and First Nations Voice to Parliament elections, held on 21 March 2026. This option is designed to support enrolled electors who are sight impaired, or who have a motor impairment, enabling them to cast an anonymous and independent vote over the phone with assistance from ECSA staff.

Who Can Use Telephone Assisted Voting

- a sight-impaired elector; or
- an elector who otherwise cannot vote without assistance because of motor impairment.

How It Works

1. Registration

Eligible electors will first call ECSA to register for this service. During registration, identity and eligibility will be confirmed. The elector will then receive a unique ID number and set a secret question and answer. After this, the elector will be anonymously transferred to the voting team.

2. Casting a Vote

The voting team will require the unique ID number and the secret answer set during registration to proceed. The elector will communicate the order of preferences for the relevant House of Assembly and Legislative Council ballot papers, and if applicable, the SA First Nations Voice to Parliament ballot paper. An authorised witness will listen to the call to ensure the vote is recorded accurately.

This two-step method ensures the vote remains anonymous, as the voting team will not have access to any of the elector's personal information.

Availability

Telephone Assisted Voting will be on Saturday 14 March, and then Monday 16 March through to polling day, 21 March. Exact hours and contact information will be confirmed on the ECSA website.

Why It Matters for Candidates

The use of TAV demonstrates a commitment to inclusive participation, particularly for electors with lived experience of disability who may otherwise face barriers at conventional polling places. It ensures they can still actively engage in the democratic process with confidence that their vote remains private and fully supported.

PART 11: Election night counts

Ordinary vote ballot papers lodged by electors voting at EVCs and polling booths within their own district on polling day are counted by electoral officers at the polling booth and EVC following the close of voting at 6pm. These preliminary results are sent to each of the Returning Officers and ECSA.

House of Assembly ballot papers are scrutinised before LC ballot papers.

The order of proceedings at scrutiny on election night is:

- count of House of Assembly ballot papers (first preferences);
- count of House of Assembly ballot papers that may be formal because of candidates' voting tickets;
- House of Assembly two candidate preferred count (notional distribution of House of Assembly preferences); and
- count of LC ballot papers

Note: Depending upon staff availability, more than one count may be undertaken at the same time. Any counts that cannot be completed or undertaken on election night will be completed the following day, at the EVC in the case of early vote counts, and at the district Returning Officer's premises in the case of polling booth counts.

11.1 Count of House of Assembly ballot papers – first preferences

Preferential voting for House of Assembly ballot papers requires a voter to:

- write the number 1 (a first preference) in the voting square next to the voter's most preferred candidate;
- continue to number the rest of the voting squares with consecutive numbers (2, 3, 4 etc) in the voter's order of preference.

The count begins as soon as practicable after the poll closes at 6pm on polling day. When the ballot box seals are broken, the ballot papers are removed from the ballot box and checked for formality. Any informal or undetermined ballot papers are set aside.

The formal ballot papers are then sorted into separate candidate bundles according to the first preference vote. The ballot papers for each candidate are counted and then rechecked to ensure the totals are correct and each ballot paper has been allocated to the correct candidate.

The total first preference vote figures for each candidate are recorded.

Any ballot paper that cannot be determined by the Polling Booth Manager (PBM) is placed into the undetermined bundle for a determination by the Returning Officer at the official recheck.

11.2 Undetermined House of Assembly ballot papers that may be formal

Voting tickets assumed

- On polling night, polling staff will assume all candidates have lodged voting tickets, even though they do not have access to the actual ticket details.
- This assumption allows staff to tentatively identify ballots that may become formal after verification.

Identification of potentially formal ballots

On ballot papers that have any of the following marked against a candidate's name:

- Only the number "1"; or
- Only a "P"; or
- Only a "X"

polling staff will tentatively treat these as formal first preference votes and add them to the corresponding candidate's tally.

Reporting procedure

- These cumulative totals (formal + tentatively formal votes) are telephoned to the Returning Officer.
- The Returning Officer then transmits these figures to ECSA for inclusion in preliminary results.

Post-election review

- After polling night, Returning Officers will review all informal/undetermined ballots and adjust their figures where necessary.
- Ballots that align with a candidate's lodged voting ticket may be validated and counted as formal.

11.3 Two candidate preferred (2CP) count

The 2CP count is a notional distribution of preferences conducted on election night to provide an early indication of the likely outcome in each electoral district.

Purpose

The 2CP count helps inform the public, media, and stakeholders about how preferences are flowing between the two candidates most likely to be in contention for election in the district. It is not the official distribution of preferences but a preliminary exercise.

Candidate selection

The Electoral Commissioner selects two candidates for the 2CP count based on their likelihood of remaining in the count after the official preference distribution. This decision is made prior to election night and may be revised if counting trends suggest a different outcome.

Procedure

1. First preference count:
 - a. Ballot papers are sorted and counted according to first preferences.
2. 2CP distribution:
 - a. Ballot papers for the two selected candidates (A and B) are set aside.
 - b. Ballot papers for all other candidates are examined individually.
 - c. Each ballot paper is allocated to either candidate A or B based on which of the two has the higher preference marked on the paper.

Example: If a ballot paper from candidate C shows a 3rd preference for A and a 5th for B, it is attributed to candidate A.
 - d. After all ballot papers from a candidate are examined, the totals are recounted and recorded, and the papers are re-bundled and set aside.
3. Reporting:
 - a. The total number of preferences allocated to each of the two candidates is recorded and reported to the Returning Officer.
 - b. These figures are published on the ECSA website www.ecsa.sa.gov.au and shared with media outlets.

Note:

- Ballot papers marked with only a "1", tick, or cross are excluded from the 2CP count unless they are later deemed formal through voting tickets.
- The 2CP count is conducted under time constraints and is subject to rechecking during the official scrutiny process.

11.4 The LC preliminary scrutiny

A preliminary scrutiny and count of all LC ballot papers from electors voting within their district takes place on election night. Ballot papers are sorted by first preference votes for groups with voting squares above the line, for groups below the line, and for each ungrouped independent candidate below the line.

Informal ballot papers are set aside.

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Results are then transmitted to each House of Assembly district Returning Officer and to ECSA.

At the end of election night, Polling Booth Managers package and return all used and unused LC ballot papers to their district Returning Officer. If, for any reason, a polling booth is unable to complete or undertake its LC preliminary scrutiny, this will be undertaken by the district Returning Officer on the Sunday.

Early voting centres may need to undertake their LC preliminary scrutiny on the Sunday. Once completed, EVC Managers will package and return their used and unused LC ballot papers directly to the Returning Officer Legislative Council.

11.5 Vote counting in early voting centres on election night

Following legislative changes, votes cast by electors at early voting centres established for their district can be counted on election night, the same as in-district ordinary votes cast at polling booths.

Early voting centre officers will commence counting at 6pm on election night and will undertake all the same counts as polling booth officers. However, given the volume of ballot papers cast across the early voting period (6 days) the following condition applies:

- when an EVC completes the House of Assembly counts before the election night cut-off time, the LC count may commence on election night. If the House of Assembly counts cannot be completed within the required timeframes, the LC count will instead be undertaken at the EVC on the Sunday following polling day.

PART 12: Post-election day counting

At all times during the processing of vote envelopes and the scrutiny and count of ballot papers, candidates can be represented by scrutineer(s). The relevant Returning Officer will advise candidates a schedule of dates and times for scrutiny proceedings.

12.1 House of Assembly recheck

House of Assembly ballot papers from polling booths and EVCs within their district (ordinary votes) are rechecked in the district office by the Returning Officer.

A Returning Officer may reverse any decision taken at a polling booth in relation to the formality of ballot papers.

Each Returning Officer is required to:

- conduct a fresh scrutiny and recount of all House of Assembly ballot papers on a booth-by-booth basis and ensure all ballot papers have been correctly allocated;
- reassess all ballot papers placed in informal/undetermined bundles and determine whether any ballot paper can be accepted as formal considering a voting ticket lodged by a candidate; and
- conduct a 2CP count for each polling booth.

12.2 Vote Counting in Early Voting Centres on Election Sunday

If LC counting cannot be performed or completed on election night, it is expected that LC votes cast as ordinary in-district votes at early voting centres will be counted on the Sunday following polling day. This approach aligns with the decision to prioritise the counting of House of Assembly ballot papers on polling night.

12.3 Absent ordinary vote counts

Following the 2025 amendments to the EA, electors who are enrolled outside of the district for which a polling booth or early voting centre has been established are no longer required to cast a declaration vote, but are instead entitled to cast an absent (out-of-district) ordinary vote.

Absent ordinary votes are placed in envelopes indicating the name of the elector's district, and these envelopes are sent on the Sunday after polling day to the ECSA central processing centre where they are sorted and then distributed out to the appropriate Returning Officer offices.

The district Returning Officer will conduct one or more absent ordinary vote counts during the week after polling day. The Returning Officer and their staff will open the envelopes, extract the ballot papers, and then proceed to undertake all the same counts that other ballot papers undergo.

12.4 Declaration vote count

Declaration vote envelopes are received and processed at different times throughout the voting period but no envelope is opened until after polling day.

Declaration vote envelopes issued by post (postal votes) are returned directly to Returning Officers by voters and these are received prior to polling day and can be accepted up to seven days afterwards. Early voting and polling day declaration vote envelopes are sent to the ECSA central processing centre where they are checked and sorted prior to their distribution to Returning Officer offices.

The Returning Officer will conduct multiple House of Assembly declaration vote counts during the week and will commence after roll mark-off data has been checked to ensure the elector has not recorded an ordinary vote.

Declaration votes will be counted in the following separate categories:

- Polling day declaration votes
- Early voting votes
- Postal declaration votes
- Declared institution and remote mobile polling votes
- Telephone-assisted votes, interstate votes and overseas votes

The scrutiny and count process of declaration vote ballot papers is no different to the process undertaken at the recheck and each declaration count will include a formality check, voting ticket assessment and a 2CP count.

12.5 Distribution of preferences

On the Sunday eight days after polling day, ordinary and declaration formal ballot papers are grouped together for each candidate and preferences are distributed until only two candidates remain in the count. Each Returning Officer is required to:

- group the House of Assembly ballot papers from polling booths, EVCs, absent ordinary and declaration vote counts into individual candidate packages;
- group similar bundles of voting ticket ballot papers together for each candidate; and
- undertake the final distribution of preferences.

A candidate needs to obtain an absolute majority of total formal votes cast (i.e. more than 50%) to be elected. Having determined the total first preferences for each candidate, the Returning Officer must distribute preferences until only two candidates remain in the count.

At the first count, regardless of whether any candidate has more than 50% of the formal votes cast, the candidate with the least number of first preference votes is excluded and the second preference on that candidate's ballot papers are distributed to candidates remaining in the count.

The process continues through successive counts of remaining candidates' formal ballot papers until only two candidates remain. Depending on the number of counts required, some ballot papers are distributed to their third, fourth or further preferences.

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If on any count two or more candidates have an equal number of votes, and one of them must be excluded, the previous count is referred to, and the candidate with the lowest number of votes at that count is excluded. Where there is still an equal number of votes, the Returning Officer must decide by lot which candidate is excluded.

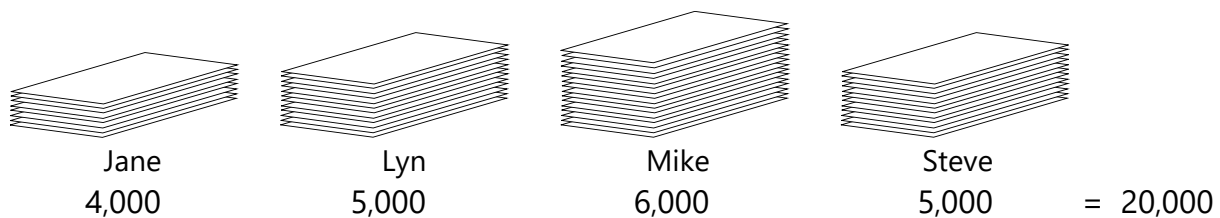
If in the final count, two candidates have an equal number of votes the matter is referred by the Electoral Commissioner to the Court of Disputed Returns. The Court must determine the validity of any disputed ballot papers to resolve the deadlock, but if not, order a fresh election.

12.6 How preferences work in the House of Assembly

Full Preferential Voting

Jane, Lyn, Mike, and Steve stand for election.

They receive the following formal 1st preference votes:

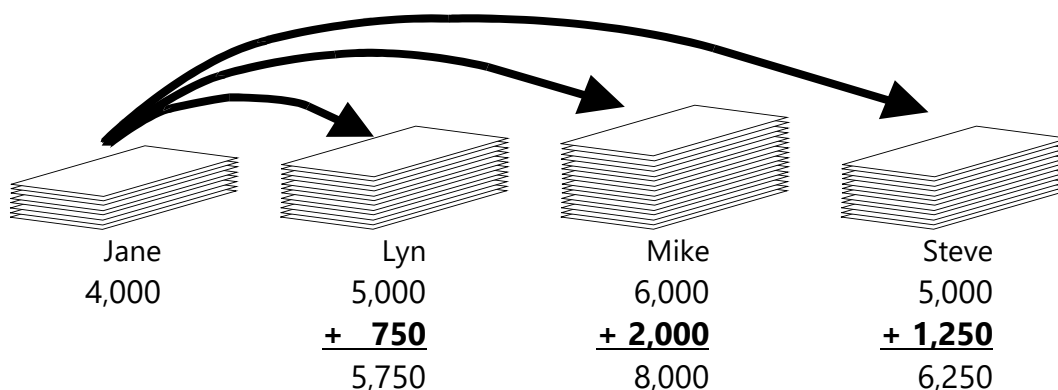


There are a total of 20,000 formal votes. To be elected a candidate needs an absolute majority (50% plus 1 of the formal vote)

$$\frac{20,000}{2} + 1 = \mathbf{10,001 \text{ votes}}$$

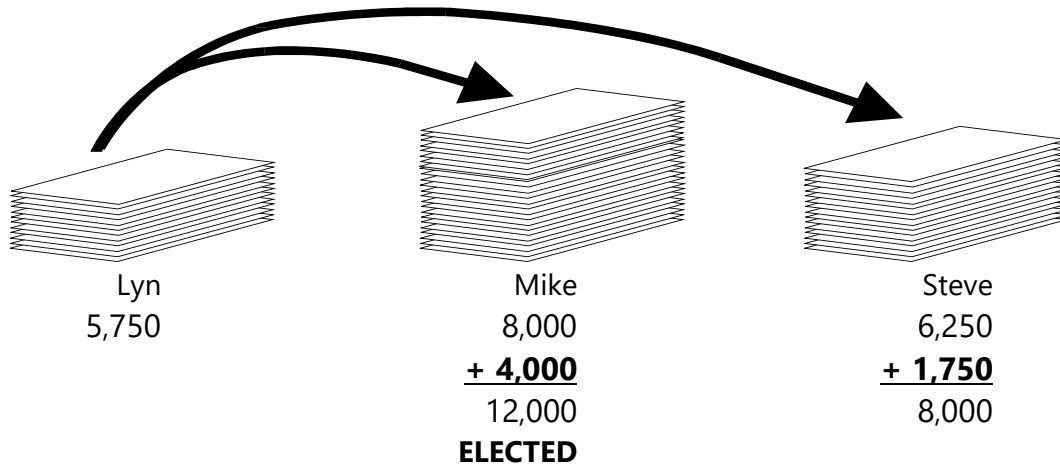
As none of the candidates has gained an absolute majority of the votes at this first count, the candidate with the least number of votes (Jane) is excluded and her ballot papers are transferred to the other candidates according to which candidate was allocated the number 2 (2nd preference).

Jane's votes are transferred as follows:



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Neither Lyn, Mike, nor Steve have gained an absolute majority after Jane's ballot papers have been distributed. Lyn is now the candidate with the least number of votes so she is excluded and her ballot papers are distributed according to who was marked as the 2nd (or 3rd) preference.



Once the preferences on Lyn's ballot papers have been distributed (4,000 are marked for Mike and 1,750 for Steve) the ballot papers for each of them are totalled.

Candidate Mike now has more than half of the total votes cast (an absolute majority) and is declared the elected candidate.

12.7 Declaration of the poll

Usually, declarations of the poll for the House of Assembly will be conducted during the second week after polling day once the outcome has become clear. The first declaration is generally that of the leader of the party/group forming the government.

The district Returning Officer will organise the declaration and will advise candidates of the date, time and place of declaration. The declaration is usually conducted at the Returning Officer's office but if this is not suitable, at a neutral location within the House of Assembly district.

Candidates will have the opportunity to speak at the declaration.

PART 13: Re-counts, tied elections & disputed returns

13.1 Re-counts

The EA directs House of Assembly Returning Officers to undertake a re-count of the relevant ballot papers before the declaration of the result. This re-count or check of ordinary vote House of Assembly ballot papers is undertaken by the Returning Officer on the Sunday immediately following polling day.

In addition, the Electoral Commissioner may direct a Returning Officer to conduct one or further re-counts of the ballot papers, including any declaration vote ballot papers, received and accepted for inclusion in the count.

At an official re-count the Electoral Commissioner will determine the admissibility of any ballot papers and declaration certificate envelopes challenged by scrutineers.

Candidates do not have the right under the EA to demand a re-count. However, where appropriate they may request the Electoral Commissioner to direct a re-count before the declaration of the result of an election.

13.2 Tied elections

If, in the final count, two candidates have an equal number of votes:

- the matter must be referred, on the application of the Electoral Commissioner, to the Court of Disputed Returns;
- the Court must determine the validity of any disputed ballot papers; and
- if it then appears that the deadlock has been resolved, the Court must declare the appropriate candidate elected, if not the Court must order a fresh election.

13.3 Disputed returns

The validity of any election may only be disputed by a petition to the Court of Disputed Returns.

At South Australian state elections, the Supreme Court is the Court of Disputed Returns, and its jurisdiction is exercisable by a single judge. The decisions of the Court are final.

The petition

A petition disputing an election or return must:

- set out the facts relied on to invalidate the election or return;
- set out the relief to which the petitioner claims to be entitled;
- be signed by a candidate at the election in dispute or by a person who was qualified to vote at the election;

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- be attested by two witnesses whose occupations and addresses are stated; and
- be filed in the Supreme Court within 40 days after the return of the writ.

When the petition is filed, the petitioner must deposit with the Registrar of the Supreme Court \$200 as security for costs.

Respondent to petition

Any petition disputing an election or return shall include the Electoral Commissioner and the successful candidate(s) as respondents.

Orders the Court may make

The Court may make any of the following orders:

- that a person found by the Court not to have been duly elected cease to be a member of the House of Assembly;
- that a person found by the Court to have been duly elected (but not returned as elected) take their seat as a member of the House of Assembly; and
- declare an election void and require a new election to be held.

The Court may award costs against an unsuccessful party to the petition.

An election will not be declared void on the grounds of:

- a defect in a roll or certified list of electors, or
- an irregularity in, or affecting, the conduct of the election, unless the Court is satisfied on the balance of probabilities that the result of the election was affected by the defect or irregularity.

An election may be declared void on the grounds of the defamation of a candidate, or of misleading advertising, but only if the Court of Disputed Returns is satisfied, on the balance of probabilities, that the result of the election was affected by the defamation or misleading advertising.

An election may be declared void on the grounds of a breach of s.109 (bribery), s.110 (undue influence) or s.111 (interference with political liberty) of the EA:

- if the Court of Disputed Returns finds, either on the basis of a conviction or on the balance of probabilities, that the successful candidate, or a person acting on behalf of the successful candidate with the successful candidate's knowledge, has committed such a breach, then the Court may declare the election to be void whether or not it is satisfied that the result of the election was affected by the breach;
- if the Court of Disputed Returns finds, on the balance of probabilities, that the breach was committed without the successful candidate's knowledge, then the Court may declare the election to be void only if satisfied, on the balance of probabilities, that the result of the election was affected by the breach.

PART 14: Electoral Complaints

14.1 Purpose

The Feedback and Complaints Policy establishes the standards which the Electoral Commissioner requires for electoral complaints to be considered; and establishes the standards which individuals and organisations may expect to receive in their dealings with the ECSA.

14.2 Respectful Behaviour

ECSA is committed to maintaining a respectful, professional environment throughout the nomination process.

All candidates, their representatives, and members of the public are expected to treat ECSA staff, election officers, and fellow candidates with courtesy and respect in all communications, whether in person, by phone, email, or online.

Aggressive, abusive, or discriminatory behaviour, including shouting, intimidation, or threats, will not be tolerated. This includes refraining from inappropriate or hostile behaviour on social media, forums, and other digital platforms.

ECSA staff may end any interaction that becomes inappropriate or unsafe.

While the nomination period can be challenging, candidates are encouraged to engage cooperatively and with patience, working together to ensure a fair and transparent process for all.

14.3 Lodging A Complaint

Any individual or organisation may make a complaint about an alleged breach of a provision of the EA.

Complaints must be made in writing, using the online form available on the ECSA website www.ecsa.sa.gov.au.

Complaints may be made:

- online: www.ecsa.sa.gov.au/about-ecsa/feedback-and-complaints
- by post: Electoral Commissioner
Electoral Commission SA
GPO Box 646
ADELAIDE SA 5001
- by email: ecsa.complaints@sa.gov.au
- in person: Level 6, 60 Light Square, Adelaide SA 5000

The complaint must establish the facts which are the basis of the allegation and be supported by evidence of the alleged electoral offence.

14.4 Consideration Of Complaints

During election periods, the ECSA will endeavour to acknowledge electoral complaints within 2 business days.

More complex matters may take longer to resolve, and the parties will be kept informed of the progress of these matters.

The ECSA may request information from complainants, respondents and other parties for the Electoral Commissioner to make their determination. If deadlines for these requests are not met, the Electoral Commissioner may make a determination without the information or close the complaint without further investigation.

Where information is requested from the parties involved, they are required to provide all relevant information in the first instance. Decisions will be made based on the information provided and it may not be possible to clarify/obtain further information.

The Electoral Commissioner may take any action available under the EA as deemed appropriate to effectively deal with a complaint within the context of the legislative timeframes of elections.

Following elections, the Electoral Commissioner will make a determination as to whether any complaints received will be referred for prosecution.

14.5 Confidential Treatment of Complaints

Any personal information provided while managing feedback or complaints will be managed in accordance with relevant legal and policy requirements.

ECSA treats complaints and feedback confidentially, however in some circumstances may be required to disclose information to resolve the complaint or feedback.

Where the parties involved in a complaint have publicised the matter, the Electoral Commissioner may confirm the existence of a complaint but will not discuss the details.

ECSA may make public comment regarding feedback and complaints to ensure electors are aware of a situation and/or have accurate information.

14.6 Timeframes

The ECSA will acknowledge all feedback and complaints where contact information is provided within 2 business days.

The ECSA will be clear about its process and about resolution timeframes. The ECSA will update complainants about how their complaint is being addressed, to avoid unnecessary escalation of complaints.

The ECSA will endeavour to resolve complaints within five days of acknowledgement. If given the complexity of a complaint, it cannot be resolved within 5 business days, the ECSA will advise on the time frame expected and keep the complainant up to-date throughout the process.

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Election periods are limited and have strict legislative timeframes, so time is of the essence when handling complaints regarding electoral offences. There may be the potential for an offence to influence the election results, this is particularly the case with misleading advertising. However, the Electoral Commissioner is committed to ensuring that any effect is minimised and may seek a withdrawal or retraction of offending material. Furthermore, if the alleged offender fails to withdraw or retract offending material, the EA provides the Electoral Commissioner with the ability to seek a Supreme Court injunction.

The ECSA will not provide legal advice on matters of interpretation or any advice on campaign strategy.

Glossary of terms

Absent ordinary vote A vote cast by an elector at a polling booth or early voting centre not established for his or her enrolled electoral district.

Absolute majority In South Australia a candidate for House of Assembly elections must receive more than half the formal votes (at least 50% + 1 vote) to be elected. This is called an absolute majority. See **Preferential voting**.

Assembly, House of See **House of Assembly**.

Ballot The process of voting at an election.

Ballot box The sealed box into which ballot papers are placed by voters after voting.

Ballot paper A paper printed for an election showing the candidates' names and affiliations or the paper containing a question to be decided in a referendum, that voters mark to record their vote.

By-election An election held in only one electoral district to fill a casual vacancy caused by the resignation, death or retirement of a House of Assembly member.

Candidate A person who is nominated to stand for election.

Central processing centre (CPC) A venue established by ECSA, used for:

- the receipt of postal applications and issue of ballot material
- the receipt of early and polling day absent ordinary and declaration votes and despatch to Returning Officers
- the scrutiny and count for the election of members to the Legislative Council.

Certified list A copy of the electoral roll prepared individually for each House of Assembly district to be used by ordinary issuing officers to record who has voted.

Constitution Act 1934 (CA) Sets out eligibility, disqualification, and conduct rules for members of the South Australian Parliament.

Count centre Any place appointed for the scrutiny and count of ballot papers e.g. polling booth, Returning Officer office, central processing centre (CPC).

Declaration of poll A formal announcement of the result of an election by a Returning Officer declaring the successful candidate as the elected Member. See **Returning Officer**.

Declaration vote A ballot paper given to a voter whose enrolment details are provided by the voter on the declaration vote envelope; the completed ballot papers are placed inside the envelope which is then sealed. They are later distributed to the appropriate district House of Assembly Returning Officer for inclusion in the count. Declaration votes include postal votes, telephone votes, and suppressed address votes.

Declared institution The Electoral Commissioner may, by notice in the *Government Gazette*, declare the whole or a specified part of an institution such as a hospital, nursing home or corrective institution to be a 'declared institution' for the purpose of issuing ballot papers to electors who are residents and unable to attend a polling booth.

Disputed returns A challenge to the validity of an election result. Disputed elections are referred to a Court of Disputed Returns to be resolved.

District (electoral) A defined geographical area of the State. The whole of the State is one electoral district for the Legislative Council, while there are 47 electoral districts for the House of Assembly, each containing approximately equal numbers of electors.

Donkey vote The preferential system of voting requires a voter to mark the ballot paper with sequential numbers in order of preference. A donkey vote is one that is marked 1-2-3-4 straight down or, less frequently, up the paper.

Draw or lot An object such as a slip of paper drawn from others to make a choice. The order of candidates' names on the ballot papers is determined by a draw or 'lot'.

Early vote A vote made in person at an authorised issuing centre after the close of nominations and prior to polling day.

Early voting officer Polling officers that are appointed at various locations intrastate, interstate and overseas to issue ballot papers to electors unable to attend a polling booth on polling day.

Election The choosing of representatives to occupy official positions by voting.

Elector A person enrolled to vote at an election.

Electoral Act 1985 (SA) (the EA) The legislation which sets down the rules for the conduct of parliamentary elections and other electoral procedures.

Electoral Commissioner (EC) The statutory officer responsible to the Minister for the administration of the EA, including the proper conduct of elections and the implementation of appropriate publicity, education and research programs.

Electoral Commission of SA (ECSA) The agency responsible for administering and overseeing the conduct of electoral events.

Electoral offence Any action which breaches electoral law as specified by the EA.

Electoral officer Anyone who is appointed to assist in the conduct of an election or poll.

Electoral roll A certified list of electors who have enrolled and are eligible to vote in an election.

Electoral visitor An electoral officer who visits 'declared institutions' (hospitals, nursing homes etc) on or before polling day to provide on-the-spot voting facilities for electors unable to attend a polling booth.

Electorate This refers to electors (the constituency) or an electoral district. In SA there are currently 47 House of Assembly Districts and 1 Legislative Council District. See **District**.

Enrolment The process of filling out an electoral enrolment form to have one's name included on the electoral roll.

Entitled candidate An independent candidate (not endorsed by a party) who is not already a sitting member of parliament when the election is called.

Entitled group A group of independent candidates running together in an election.

- They cannot include any candidate endorsed by a registered political party.
- They also cannot include a candidate who was already a sitting member of parliament when the election was called.

Entitled registered political party A political party that is formally registered under the Electoral Act 1985 (SA) but does not have any members who are sitting MPs.

This also excludes a party where, in relation to an election:

- one or more members were MPs at the time of the dissolution of parliament (general election), or
- one or more members were MPs at the time of the vacancy that caused a by-election.

Formal vote A ballot paper which has been correctly marked and counts towards the result of an election.

General elections In South Australia general elections are held for all House of Assembly seats (47) and half the Legislative Council seats (11) every four years. See **Term**.

Government A system by which a community is governed. Australia has three tiers of government: Federal, State and Local.

Group An alliance of candidates with similar interests.

House of Assembly The lower house of state parliament comprising 47 members, each elected by the voters in an electoral district in South Australia.

How-to-vote card A card, in the form of a ballot paper, distributed by parties and independents indicating to electors how they should record their preferences when voting.

Independent A candidate or Member of Parliament, who is not a member of a registered political party.

Informal ballot paper A ballot paper which is declared invalid as it does not comply with the instructions governing the election and cannot therefore be accepted into the count.

Legislation The name given to a law or set of laws that have passed both Houses of Parliament and been assented to by the Governor.

Legislative Council The upper house of State Parliament comprising 22 members elected by voters for an eight-year term, half of whom are elected at each State General Election.

Lower house See **House of Assembly**.

Majority See **Absolute majority**.

Marginal seat A seat requiring a swing of less than 6% is usually regarded as marginal.

Members of Parliament All elected representatives.

Mobile polling A voting facility provided some time during the 12 days up to and including polling day for electors in remote areas of the State.

Offence See **Electoral offence**.

Ordinary vote Ordinary votes are issued on polling day to electors at a booth who:

- are enrolled at an address in the district for which the polling booth has been established, and
- whose name appears on the certified list of electors for that district, and
- the certified list has not been marked to indicate that ballot papers have already been issued.

Poll An election.

Polling booth/place Location where voting takes place.

Polling booth manager (PBM) The PBM oversees a polling booth. An electoral officer appointed to manage electoral proceedings in a particular location e.g. ballot material issuing, processing, counting activities, and managing staff.

Postal vote Electors who are away from their home State or Territory on polling day, or unable to get to a polling place, may apply for and send a vote by post. In South Australia it is a Declaration Vote but informally called a postal vote to differentiate from other types of declaration votes.

Preferential voting A voting method where electors are required to mark the ballot paper using consecutive numbers to record their order of preference for all candidates. A candidate receiving an absolute majority, at least one more than 50% of the formal vote, is elected. If no candidate achieves this, then preferences are distributed to remaining candidates until one candidate has an absolute majority. This system of voting and counting is used in House of Assembly elections.

Proportional representation A system of vote counting designed to elect representatives who obtain a specified quota or proportion of votes. This system is used in Legislative Council, Senate and some Local Government elections.

Re-count A second or further count of votes to verify a result.

Register of declaration voters A list of electors who automatically receive voting material by post after satisfying the Electoral Commissioner that they are unable to attend a polling booth due to physical disability, religious belief, caring for a person who is seriously ill, infirm or disabled, not within 20 kilometres of a polling place or suppression of address on the electoral roll.

Registered political party An organisation registered with the Electoral Commission of SA endorsing candidate(s) for election to the House of Assembly or Legislative Council.

Registrar A Commonwealth electoral officer responsible for maintaining and updating electoral rolls.

Return of writ When a general election is finalised, the Writ is returned to the Governor with the names of the successful candidates, now members of Parliament. Following a by-election in the House of Assembly, the Writ is returned to the Speaker. See **Writ**.

Returning Officer The electoral officer responsible for conducting an election in an electoral district.

Roll See **Electoral roll**.

Safe seat A seat which is held by a sufficiently large margin of votes that is unlikely to be lost at the next election. Seats requiring a swing of more than 10% are usually regarded as safe.

Scrutineer A person appointed by a candidate to observe the polling process and the sorting and counting of ballot papers, also having the right to question the validity of any votes.

Scrutiny The sorting, counting and rechecking of ballot papers following the close of poll.

Seat A seat in a parliament held by an elected member. Can also refer to a member's electorate (district).

Secret ballot A vote made in secret. Adopted in South Australia in 1856, often called the 'Australian Ballot'.

Shared booth A polling booth established near the boundaries of adjoining districts to service the needs of electors of 2 or 3 districts.

Swing An analysis of previous election results (in percentage terms) used to identify the shift in political support that would be required in electoral districts for seats to be won or lost at an election.

Term The length of time a parliament may sit before an election must be called. The South Australian Parliament has a set 4-year term.

Two-candidate preferred (2CP) vote The votes allocated to the two candidates assessed as likely to remain in the count after the distribution of preferences from other candidates (election night) or votes actually counted to the final two candidates remaining in the count.

Two-party preferred (2PP) vote The votes allocated to the two major parties (Labor and Liberal), after the distribution of preferences from other candidates.

Upper house See **Legislative Council**.

Vote The process of electing a candidate. A vote can be made - by marking a ballot paper. See also **Absent**, **Declaration**, **Formal**, **Informal ballot paper**, **Ordinary**, and **Postal votes**.

Voting ticket A statement lodged no later than 72 hours after the close of nominations by a candidate or on behalf of a candidate endorsed by a registered political party by the registered officer indicating the order in which voters, who do not mark their full preferences on the ballot paper, may be presumed to have allocated preferences for a House of Assembly election.

Writ The legal document issued by the Governor authorising a general election or referendum, specifying the dates by which various procedures must be completed. The Speaker issues writs for House of Assembly by-elections.

