

# Legislative Council Candidate Guide

**RO 17**

**State Election**  
**MARCH 21**

[ecsa.sa.gov.au](https://ecsa.sa.gov.au) →

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# Introduction

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The Legislative Council Candidate Guide assists those interested in nominating as a candidate for parliamentary elections to the upper house of the South Australian parliament.

Although this publication outlines key legal requirements, for further information you should consult the Electoral Act 1985 and the Regulations under that Act. The Electoral Act and Regulations may be downloaded from the South Australian Legislation website at **[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)**

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

The name of the Returning Officer for the Legislative Council (ROLC) is available from ECSA and can be contacted to discuss various election matters including nominations, the ballot paper draw, appointment of scrutineers and count schedules.

For further information please contact:

Electoral Commission of South Australia

Address: Level 6, 60 Light Square, ADELAIDE SA 5000

Telephone: (08) 7424 7400

OR:

Visit ECSA's website at [www.ecsa.sa.gov.au](http://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.

**Mick Sherry**

**ELECTORAL COMMISSIONER**

# Legislative Council Candidate checklist

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- ☐ I am enrolled as an elector and have checked the eligibility requirements to stand as a candidate
- ☐ I am aware of the key dates for the election
- ☐ I have lodged my nomination and deposit with the Returning Officer Legislative Council prior to the close of nominations (endorsed candidates to nominate in bulk through their registered officer)
- ☐ I have clearly printed my ballot paper name on the nomination form
- ☐ I am aware that if I am eligible and wish to apply for election funding as a candidate or group not endorsed by a party, I must lodge a section 130PF certificate with ECSA before polling day.
- ☐ I have familiarised myself with the rules for electoral advertising, particularly misleading advertising, authorisation requirements, size limits, and the ban on corflutes.
- ☐ I have checked that my how-to-vote cards meet the requirements for registration.
- ☐ I have lodged my section 66 how-to-vote card with the Returning Officer Legislative Council within 4 days after the close of nominations
- ☐ I am aware of the rules for conduct and behaviour near voting centres
- ☐ I have familiarised myself with the process for appointing scrutineers to represent me during polling and/or the scrutiny and count of ballot paper
- ☐ I have familiarised myself with the electoral offences under the Electoral Act

# **PART 1: Candidate information**

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## **1.1 Candidate guide**

This guide is intended to assist candidates to understand the legal requirements of being a candidate for the Legislative Council and explains:

- eligibility provisions;
- how to nominate
- how-to-vote card requirements;
- electoral advertising requirements;
- voting and counting processes;
- 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 sheets**

Candidates need to be aware of the provisions and their obligations under Part 13A of the Electoral Act 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 Electoral Act. 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 Electoral Act, 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 Electoral Act establishes a general entitlement to public funding to assist with costs associated with running a state election campaign or a state by-election.

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

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 Electoral Act. [For further information \(ECSA website – Public funding guide\)](#)

### **Advance funding**

Upon submission of a section 130PF certificate, the Electoral Commissioner will provide advance funding to eligible political participants contesting HA 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 \(ECSA website – Advance funding guide\)](#)

### **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 \(ECSA website – Funding and disclosure – all participants /Administrative funding\)](#)

### **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 \(ECSA website – Funding and disclosure – all participants /Policy development funding\)](#)

### **Financial disclosure obligations**

Part 13A of the Electoral Act 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 – 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 \(ECSA website – Funding and disclosure – all participants /Expenditure caps\)](#)

## PART 2: Election timetable

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### 2.1 The writ

Writs for simultaneous elections of the Legislative Council and the House of Assembly are issued by the Governor. At a general election, half of the 22 Legislative Council seats are vacated and an election is held for 11 members.

Writs are issued 28 days prior to polling day and 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.

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<b>Writ issue</b>	28 days prior to polling day
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<b>Roll close</b>	<p>The close of the rolls must be 6 days after the issue of the Writ.</p> <ul style="list-style-type: none"><li>● <b>Note:</b> Under recent amendments to the Electoral Act, eligible South Australians can now enrol up to and on polling day.</li><li>● 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.</li><li>● 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.</li></ul>
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<b>Nominations close</b>	<p>The close of nominations must be 3 days after the close of the rolls. Nominations close at 12 noon on that date.</p> <p><b>Note:</b> Nominations for party endorsed candidates lodged by a party's registered officer must be lodged at least 48 hours earlier.</p>
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<b>Polling day</b>	<p>The day fixed for polling day is the third Saturday in March every fourth year after the last general election was held.</p> <p>Where there are simultaneous elections for both Houses of Parliament, polling must be on the same day.</p>
<b>Declaration of the poll and return of the Writ</b>	<p>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.</p> <p>The Returning Officer is 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.</p>

## 2.2 2026 State Election timetable

<p><b>ISSUE OF WRIT</b></p> <p>by the Governor, 28 days prior to polling day</p>	<p><b>Saturday 21 February 2026</b></p>
<p><b>LODGEMENT OF NOMINATIONS</b></p> <p>Nominations for both party-endorsed candidates and independent candidates may commence being lodged</p>	<p><b>Monday 23 February 2026</b></p>
<p>6 days after issue of writ</p>	
<p><b>CLOSE OF ROLL</b></p>	<p><b>5 pm Friday 27 February 2026</b></p>

<b>CLOSE OF NOMINATIONS – Party endorsed candidates</b>  Deadline for registered political parties to lodge their multiple candidate nominations	<b>5pm Friday 27 February 2026</b>
3 days after close of roll	
<b>CLOSE OF NOMINATIONS – Independent candidates</b>  Lodgement deadline for independent candidate nominations	<b>12 noon Monday 2 March 2026</b>
<b>Declaration of Nominations and ballot paper position draw for Legislative Council</b>	<b>Anticipated – 5pm Monday 2 March 2026</b>
<b>Close of lodgement for Section 66 How-to-vote Cards</b> – deadline for parties/candidates to lodge Section 66 How-to-vote Cards (if intending to lodge)	<b>5pm Friday 6 March 2026</b>
Early voting commences/concludes	Saturday 14 to Friday 20 March 2026 Except Sunday 15 March 2026
<b>POLLING DAY</b>  3 <sup>rd</sup> Saturday in March in the 4 <sup>th</sup> year after the last election	<b>Saturday 21 March 2026</b>
Scrutiny and count of ballot papers commences	From 6pm Saturday 21 March 2026
Scanning of ballot papers commences	Wednesday 25 March 2026
Completion of the ballot paper scanning, scrutiny and count	Anticipated – final week of April 2026

Declaration of result /Declaration of polls	Anticipated – final week of April 2026
Return of the Writs (date specified in Writ)	Deadline for the Electoral Commissioner to return the Writs to the Governor

## PART 3: Candidate eligibility

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

### 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 the roll closes. You are strongly encouraged to check your enrolment and ensure your details are up to date by visiting [check.aec.gov.au](http://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 Legislative Council if the person would, if elected, be required to immediately vacate his or her seat under section 17 of the *Constitution Act 1934*.

Section 17 of the *Constitution Act 1934* states:

- (1) If any member of the Legislative Council:
  - a) without permission of the Council fails for twelve sitting days consecutively of any session of the Council to attend therein; or
  - ab) is not or ceases to be an Australian citizen; or
  - b) takes any oath or makes any declaration or act of acknowledgment or allegiance 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
  - d) becomes bankrupt; or

- e) takes the benefit of any law relating to 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 insane mind,

the member's seat in the Council shall thereby become vacant.

(2) The seat of a member of the Legislative Council 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 Legislative Council and the House of Assembly 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 [*Electoral Act 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 (e.g. *Public Sector Act 2009 (SA)*; *Public Service Act 1999 (Cth)* & Regulations).

Section 45(2) of the *Constitution Act 1934* 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 *Constitution Act 1934* specifies a number of circumstances whereby certain persons may be incapable of being nominated or elected to Parliament.

<b>Disqualification of Judges</b>	No Judge of any court of the State shall be capable of being elected a member of the Parliament.	
<i>Constitution Act s44</i>		
<b>Disqualification of members holding offices of profit</b>	(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.
<i>Constitution Act s45</i>		
<b>Prevention of membership of both Commonwealth and State Parliaments</b>	(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.
<i>Constitution Act s47</i>		



## PART 4: Nomination procedures

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A candidate for the Legislative Council may stand as a:

- Registered political party endorsed candidate;
- Independent grouped candidate;
- Independent ungrouped candidate.

Note that the nomination procedures are different for each type of candidate. The nomination period will open at **9am on Monday 23 February 2026**.

If you are a candidate endorsed by a registered political party, the registered officer of the party must lodge your nomination by Close of Business, **5pm on Friday 27 February 2026**.

If you are an independent candidate, you must lodge your own nomination by **12pm on Monday 2 March 2026**.



***Important: Nominations cannot be lodged by email.  
Late nominations cannot be accepted.***

### 4.1 Nomination forms

Nomination forms, along with this and other information guides, may be downloaded from Electoral Commission SA's website: [ecsa.sa.gov.au](https://ecsa.sa.gov.au)

Different nomination forms must be completed and lodged by different types of candidates, whether registered political party endorsed, or independent grouped or ungrouped.

Note that all nomination forms have changed since the previous state election, so it is important to ensure that the correct form is downloaded and completed.

FORM	USE
<b>Form RO50</b> Endorsed party candidate nomination	This form includes a candidate's information and their candidate declaration. It should be used where a candidate is endorsed by a registered political party.
<b>Form RO50A</b> Endorsement of nominations by a party	This form should be used where one or more candidates are being endorsed and nominated by the registered officer of a registered political party.

<b>Form RO50B</b> Application for a group on the ballot paper – single party group	This form should be used where two or more candidates endorsed by one registered political party are applying for a group on the ballot paper.
<b>Form RO50C</b> Application for a group on the ballot paper – two party group	This form should be used where two or more candidates endorsed by two registered political parties are applying for a group on the ballot paper.
<b>Form RO54</b> Independent grouped candidate nomination	This form includes a candidate's information and their candidate declaration. It should be used where a candidate is independent and intends to be part of a group of candidates.
<b>Form RO54A</b> Application for a group on the ballot paper – independent group	This form should be used where two or more independent candidates are applying for a group on the ballot paper.
<b>Form RO55</b> Independent ungrouped candidate nomination	This form includes a candidate's information and their candidate declaration. It should be used where a candidate is independent and does not intend to be part of a group of candidates.
<b>Form RO56</b> List of nominators	This form should be used by independent candidates to record the details and signatures of the 250 eligible electors who are nominating them.

## 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 Constitution and Electoral Acts.

A nomination can only be lodged after the issue of the writ and using an official nomination form. All intending independent candidates, group leaders and the registered officers of registered political parties should read carefully this section of the Candidate Guide and discuss nomination arrangements with the Returning Officer Legislative Council.

For **party endorsed candidates**, the registered officer of the political party may lodge nominations, and if so, must lodge them at least 48 hours before the hour of nomination with the Returning Officer Legislative Council.

Note - with nominations for Independent candidates closing on Monday 2 March, party endorsed lodgements cannot be made on Saturday 28 February – party nominations must be lodged by Close of Business, **5pm, on the preceding Friday 27 February 2026**.

Registered officers should contact Electoral Commission SA to make an appointment for nomination lodgement. Note that late nominations **cannot** be accepted.

For **independent grouped and ungrouped candidates**, the nomination must:

- be lodged with the Returning Officer Legislative Council by **12 noon on the day fixed for the close of nominations, Monday 2 March**. Candidates should contact the Returning Officer Legislative Council to make an appointment for nomination lodgement. Note that late nominations **cannot** be accepted.
- be accompanied by the full name, enrolled address, date of birth and signature of at least two hundred and fifty (250) nominators who are enrolled in South Australia.

All nominations must be accompanied by a deposit of \$3,000 for each nominated candidate to be paid by banker's cheque or by Electronic Funds Transfer (EFT).

### **Rejection of a nomination**

The Returning Officer Legislative Council may, with the agreement of the Electoral Commissioner, reject a nomination if the candidate's name, or the name which they have requested to appear on the ballot paper, is considered to be:

- obscene
- frivolous, or
- has been assumed for an ulterior purpose.

Where a nomination is rejected on the above grounds, the Returning Officer Legislative Council must, if practicable, give the candidate sufficient time to withdraw the proposed nomination and lodge a fresh one under a different name before the close of nominations.

## 4.3 Process for registered political party endorsed candidates

The next two pages describe the nomination process for candidates endorsed by a registered political party.

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### How to nominate

A party endorsed candidate must individually complete and sign nomination form RO50 and return it to their party's registered officer in sufficient time for lodgement.

As well as completing an individual candidate nomination form RO50, there are additional nomination forms that must be completed, depending on the type of nomination.

The registered officer of a registered political party must complete and sign a form RO50A endorsing the party's candidates.

If party candidates intend to apply to be a group on the ballot paper, they, along with their registered party officer, must jointly complete and sign either:

- a form RO50B to be used where two or more candidates endorsed by one registered political party are applying for a group; OR
- a form RO50C to be used where two or more candidates endorsed by two registered political parties are applying for a group.

The number of candidates in a group must not exceed the number of candidates required to be elected.

The registered officer may lodge in bulk all party nomination forms, together with a deposit of \$3,000 for each nominated candidate (see further details below).

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### Where to nominate

Registered officers of registered political parties lodge nominations with the Returning Officer Legislative Council at Electoral Commission SA's office at 60 Light Square, Adelaide.

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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.

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**.

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

<b>Form RO50</b> Endorsed party candidate nomination	This form includes a candidate's information and their candidate declaration. It should be used where a candidate is endorsed by a registered political party. Each candidate must complete and sign a form and return it to the party's registered officer for lodgement.
<b>Form RO50A</b> Endorsement of nominations by a party	This form should be used where one or more candidates are being endorsed and nominated by the registered officer of a registered political party. The registered officer of the party endorsing the candidates must complete and sign the form.
<b>Form RO50B</b> Application for a group on the ballot paper – single party group	This form should be used where two or more candidates endorsed by one registered political party are applying for a group on the ballot paper. Each candidate in the group must sign the form, and it must also be signed by the registered officer of the party. The form indicates the order in which the candidates wish to be printed on the ballot paper.
<b>Form RO50C</b> Application for a group on the ballot paper – two party group	This form should be used where two or more candidates endorsed by two registered political parties are applying for a group on the ballot paper. Each candidate in the group must sign the form, and it must also be signed by the registered officers of both parties. The form indicates the order in which the candidates wish to be printed on the ballot paper.
<b>Nomination deposits</b>	<p>A bulk nomination must be accompanied by a deposit of \$3,000 for each nominated candidate. Deposits are to be paid either 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 Commission (please refer to form RO 106).</p> <p>If the deposit is to be paid by EFT, the payment should be sent with the payment identifying descriptor of '<b>[Party Name] - LC Deposit</b>'.</p> <p>A printed EFT receipt should also be provided with the nomination that shows the:</p> <ul style="list-style-type: none"><li>▪ Successful lodgement of the deposit payment;</li><li>▪ Recipient's BSB Number;</li><li>▪ Recipient's Account Number; and</li><li>▪ Deposit amount paid.</li></ul> <p>A deposit cannot be accepted in the form of cash or a personal cheque as they are not permitted by legislation.</p>

## 4.4 Process for independent grouped candidates

The next three pages describe the nomination process for independent candidates who intend to be part of a group of independent candidates on the ballot paper.



***If you are an independent candidate, you will need to make an appointment to nominate with the Returning Officer Legislative Council. You are encouraged to make an appointment early in the nomination period and not leave your nomination to the last minute in case there are any issues with your nominators or nomination forms.***

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### **How to nominate**

Each candidate must individually complete and sign a nomination form RO54.

In addition, all candidates intending to be part of the group must sign form RO54A to declare that their name should be grouped with other candidate(s) on the ballot paper, and setting out the order in which the candidates wish to be printed on the ballot paper.

The number of candidates in a group must not exceed the number of candidates required to be elected.

Each candidate in the group must be nominated by at least two hundred and fifty (250) persons who, at roll close, are enrolled to vote in South Australia.

Details of 250 nominators (see below) must be completed on form RO56.

Each candidate's completed nomination form must be accompanied by a deposit of \$3,000 (see further details below).

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### **Where to nominate**

The completed nomination forms, deposits and List of Nominator forms must be lodged with the Returning Officer Legislative Council at Electoral Commission SA's office at 60 Light Square, Adelaide.

An emailed nomination form will not be accepted.

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**When to  
nominate**

Nominations open at **9am on Monday 23 February 2026** and must be lodged by no later than the close of nominations at **12 noon on Monday 2 March 2026**.

It is recommended that nominations be lodged early to allow the checking of the 250 nominators and to ensure there is sufficient time to resolve any issues.

Candidates should contact the Returning Officer Legislative Council to arrange a suitable time for nomination lodgement.

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**Forms to be completed by independent grouped candidates****Form RO54**

Independent grouped candidate  
nomination

This form includes a candidate's information and their candidate declaration. It should be used where a candidate is independent and intends to be part of a group of candidates. Each candidate must complete, sign and lodge their own form.

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**Form RO54A**

Application for a group on the  
ballot paper – independent group

This form should be used where two or more independent candidates are applying for a group on the ballot paper. Each candidate in the group must sign the form requesting a group voting square and indicating the order in which they wish to appear printed on the ballot paper.

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**Form RO56**

List of nominators

This form should be used to record the details and signatures of the 250 or more eligible electors who are nominating an independent candidate. Nominators may be anyone enrolled on the South Australian electoral roll and are required to provide their names, enrolled address, date of birth and signature.

The 250 or more nominators must be unique to each candidate nominating in the Legislative Council election. Any elector that signs more than one nomination paper cannot be counted as part of the required 250 nominators for any of the candidates who they nominate.

It is highly recommended that each independent candidate provide more than 250 unique nominators in support of their Legislative Council nomination. That way, the nomination will not be affected if during the nomination checking process it is found that a nominator (or nominators) cannot be located on the electoral roll, or have nominated more than one candidate.

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**Important note:** should a nomination be lodged near the close of nominations and a nominator (or nominators) is found to be invalid, the nomination may fail. If a nomination fails for a candidate who is part of a group of two candidates, the group will also fail with the surviving candidate becoming ungrouped with no Voting Square printed above the line on the ballot paper.

*Note: Candidates who have already provided 250 nominators at the time of application for Advanced Funding do not need to include nominators at the time of nomination.*

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## **Nomination deposits**

A bulk nomination must be accompanied by a deposit of \$3,000 for each nominated candidate. Deposits are to be paid either 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 Commission (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 '**[Candidate Name] - LC Deposit**'.

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

- Successful lodgement of the deposit payment;
- Recipient's BSB Number;
- Recipient's Account Number; and
- Deposit amount paid.

A deposit cannot be accepted in the form of cash or a personal cheque as they are not permitted by legislation.

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## 4.5 Process for independent ungrouped candidates

The next two pages describe the nomination process for independent candidates who do not intend to be part of a group of independent candidates.



***If you are an independent candidate, you will need to make an appointment to nominate with the Returning Officer Legislative Council. You are encouraged to make an appointment early in the nomination period and not leave your nomination to the last minute in case there are any issues with your nomination forms or nominators.***

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### **How to nominate**

An independent ungrouped candidate must complete and sign a nomination form RO55.

The candidate must be nominated by at least two hundred and fifty (250) persons who, at roll close, are enrolled to vote for the Legislative Council district.

Details of 250 nominators (see below) must be completed on form RO56.

The completed nomination form must be accompanied by a deposit of \$3,000 (see further details below).

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### **Where to nominate**

The completed nomination form, deposit and List of Nominator forms must be lodged with the Returning Officer Legislative Council at Electoral Commission SA's office at 60 Light Square, Adelaide. An emailed nomination form will not be accepted.

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### **When to nominate**

Nominations open at **9am on Monday 23 February 2026** and must be lodged by no later than the close of nominations at **12 noon on Monday 2 March 2026**.

It is recommended that nominations be lodged early to allow the checking of the 250 nominators and to ensure there is sufficient time to resolve any issues.

Candidates should contact the Returning Officer Legislative Council to arrange a suitable time for nomination lodgement.

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## **Forms to be completed by independent ungrouped candidates**

### **Form RO 55**

Independent ungrouped candidate nomination

This form includes a candidate's information and their candidate declaration. It should be used where a candidate is independent and does not intend to be part of a group of candidates.

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**Form RO 56****List of nominators**

This form should be used to record the details and signatures of the 250 or more eligible electors who are nominating an independent candidate. Nominators may be anyone enrolled on the South Australian electoral roll and are required to provide their names, enrolled address, date of birth and signature.

The 250 or more nominators must be unique to each candidate nominating in the Legislative Council election. Any elector that signs more than one nomination paper cannot be counted as part of the required 250 nominators for any of the candidates who they nominate.

It is highly recommended that each independent candidate provide more than 250 unique nominators in support of their Legislative Council nomination. That way, the nomination will not be affected if during the nomination checking process it is found that a nominator (or nominators) cannot be located on the electoral roll, or have nominated more than one candidate.

**Important note:** should a nomination be lodged near the close of nominations and a nominator (or nominators) is found to be invalid, your nomination may fail.

*Note: Candidates who have already provided 250 nominators at the time of application for Advanced Funding do not need to include nominators at the time of nomination.*

---

**Nomination deposits**

The nomination must be accompanied by a deposit of \$3,000. Deposits are to be paid either 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 Commission (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 '**[Candidate Name] - LC Deposit**'.

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

- Successful lodgement of the deposit payment;
- Recipient's BSB Number;
- Recipient's Account Number; and
- Deposit amount paid.

A deposit cannot be accepted in the form of cash or a personal cheque as they are not permitted by legislation.

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## 4.6 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, or the group of candidates receives more than 2% of total formal 1st preference votes cast in the election; 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.

## 4.7 Withdrawal of nomination

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

A nomination cannot be withdrawn after the close of Nominations.

## 4.8 Electoral rolls for candidates

Upon request to Electoral Commission SA, a candidate may receive an up-to-date copy of the electoral roll in electronic form (as determined by the Electoral Commissioner) for the Legislative Council district (whole of South Australia).

**Note:** *If a copy of the roll is provided (under section 26 of the Act), 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, 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, is guilty of an offence. [EA s26(5)]*

*(Maximum penalty: \$10,000).*

## 4.9 Death of a candidate

If two or more candidates die between the declaration of nominations and polling day, the Legislative Council election will be deemed to have failed.

## PART 5: Ballot papers

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### 5.1 Ballot paper format

Legislative Council ballot papers are printed in a format prescribed by regulation. The ballot paper allows for electors to choose between voting either **above the line** (by marking preferences for one or more groups) or **below the line** (by marking preferences for at least 12 individual candidates).

The names of candidates will be printed on ballot papers as follows from left to right:

- groups of candidates endorsed by registered political parties appear first;
- groups of independent candidates appear second;
- ungrouped independent candidates appear last.



***Important: Ungrouped independent candidates only appear below the line on the ballot paper.***

The order of each of the groups and the order of ungrouped candidates printed on the ballot paper is determined by lot, therefore 3 separate ballot paper draws may be required.

The groups and then the names of individual candidates are placed sequentially on the ballot paper starting towards the left-hand side of the ballot paper and then moving across the ballot paper towards the right-hand side and, if necessary, on to and across a second or subsequent row or rows.

A square is printed next to the name of each candidate below the line, and if a group has requested it, a group voting square is printed above the line for groups only.

The ballot paper is wide enough to accommodate up to 20 groups. If more than 20 groups nominate, a second row of voting squares is printed above and below the line.

### Sample LC ballot paper format for up to 20 groups

[illegible]

## Sample LC ballot paper format for more than 20 groups

[illegible]

## 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 the printing of ballot papers takes place as soon as possible after the close of nominations and the ballot paper draw, it is extremely important that candidates make sure that their ballot paper name meets the requirements and that they print their ballot paper name clearly on the nomination form to avoid any possible error.

Ballot paper names must appear in the following format, with the family name in CAPITALS, followed by the given name in sentence case:

**FAMILY NAME First name(s)**

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.

If a candidate requires part of their family name 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 DE LAINE)
- van der MEER (not VAN DER MEER).

### Special characters and formatting

Candidates may also include the following elements:

- **Initials**  
Initials for given names may be used if desired.  
Example: FOX Michael J.
- **Hyphenated names**  
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 to the name of an endorsed party candidate on the ballot paper is limited to:

- the registered party name; or
- the registered party abbreviation; or
- a composite name or composite abbreviation of the registered names of two registered parties; or
- no descriptive information at all.

In the case of two or more candidates endorsed by one registered political party applying for a group on the ballot paper, the registered officer of the political party completes the descriptive information on form RO50B which is lodged together with nomination forms RO50 and RO50A.

In the case of two or more candidates endorsed by two registered political parties applying for a group on the ballot paper, the registered officers of both political parties complete the descriptive information on form RO50C which is lodged together with nomination forms RO50 and RO50A.

### **Independent candidates**

For an independent candidate or members of a group not endorsed by a registered political party, the descriptive information printed on the ballot paper is limited to the word 'Independent', or to no descriptive information at all.



***Important: previously, independent candidates were allowed up to three additional descriptive words to be printed on the ballot paper, but following legislative amendments this is no longer permitted.***

## **5.4 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 [*Electoral Act 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;
- 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 the prescribed period.

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: How-to-vote cards

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A how-to-vote card is a card prepared by or on behalf of a candidate or group of candidates 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 *Electoral Act 1985* that relate to the distribution of how-to-vote cards during an election period, in particular the requirements of Section 66 and Section 112A.

- Section 66 of the Electoral Act 1985 and Regulation 19 relate to how-to-vote cards submitted to the Electoral Commissioner for display on posters in polling booths and early voting centres and printed in booklets for other in-person voting services.
- Section 112A of the Electoral Act 1985 and Regulation 20 relate 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).

### 6.1 Section 66 how-to-vote cards

A candidate may submit a how-to-vote card to the Electoral Commissioner under Section 66 of the *Electoral Act* that will be used to prepare posters for display in polling booths and booklets for use with other in-person voting services. If 2 or more candidates form a group, the how-to-vote card must be jointly submitted by or on behalf of all candidates in the group.

The decision as to whether or not to lodge a how-to-vote card rests with the candidate, the group or, in the case of a registered party, the party's registered officer.

If a candidate wishes to submit a how-to-vote card, two identical cards should be provided and must reach the Electoral Commissioner by no later than 4 days after nominations close. The cards may be submitted in colour or 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.

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 or group does not submit a how-to-vote card, a space of identical size will be provided for the candidate or group and the following wording will be printed, 'No How to Vote Card Lodged by *Surname, Given Name(s)*' or 'No How to Vote Card Lodged by *Group [Letter]*'

### Electoral Regulation 19 – Requirements for How-to-Vote Cards (Legislative Council)

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

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

- Size: Maximum 65 mm (length) × 145 mm (width).
- Mandatory content:
  - The words “how-to-vote”.
  - Name of the candidate, group of candidates, or 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).
  - Voting instructions:
    - If submitted by a group with a group voting square:
      - Either:
        - “1” in a group voting square next to the group name (optionally followed by consecutive numbers for other groups), plus a statement that voters may express preferences for other groups; or
        - Numbers in squares before each candidate’s surname showing recommended preference order, plus a statement that voters must express preferences for at least 12 candidates.
    - If submitted by an individual candidate:
      - Numbers in squares before each candidate’s surname showing recommended preference order, plus a statement that voters must express preferences for at least 12 candidates.
- Optional content:
  - Party registered name or registered abbreviation.
  - “Independent” description.
- Format: May be submitted electronically.
- Restrictions: No other material may appear on the card.
- Commissioner discretion: Size may be proportionally reduced for posters.

## 6.2 Section 66 how-to-vote card examples

Note: the following examples are not actual size.

### Card lodged by a registered political party

How to Vote for the XYZ PARTY in the Legislative Council										
<input type="checkbox"/>	<b>A</b> REG PARTY	<input type="checkbox"/>	<b>B</b> REG PARTY	<input type="checkbox"/>	<b>C</b> XYZ PARTY	<input type="checkbox"/>	<b>D</b> REG PARTY	<input type="checkbox"/>	<b>E</b> REG PARTY	<input type="checkbox"/>
				1						
If you choose you may continue numbering other groups in the order of your choice.										
Authorised by: Xavier Y. Zonda, 12 Park Terrace, Adelaide										

145 mm

65 mm

### Card lodged by a group of Independent Candidates

How to Vote for INDEPENDENT H GROUP in the Legislative Council					
<input type="checkbox"/>	<b>G</b>	<input type="checkbox"/>	<b>H</b> INDEPENDENT	<input type="checkbox"/>	<b>I</b>
			1		
Write 1 in the box marked H					
You may continue numbering other groups as you see fit.					
Authorised by: Aaron B. Carter, 70 West Terrace, Adelaide					

145 mm

65 mm

**Card lodged by an ungrouped Independent Candidate – Below the line preferences**

## How to Vote for INDEPENDENT JOHN CITIZEN in the Legislative Council

**O**

CAND 1

CAND 2

**P**

Below the line

CAND 1

CAND 2

**Q**

1 CITIZEN John Independent

Vote by placing the number as shown above THEN place the numbers 2 to 12 in the boxes below

**Vote by placing the number 1 as shown above THEN place the numbers 2 to 12 in your order of preference.**

Authorised by: John Citizen, 20 North Terrace, Adelaide

**145 mm**

65 mm

## 6.3 Section 112A 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 Act and familiarise themselves with Section 112A together with Regulation 20.

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

- 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.



***Important: 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.***

However, if a candidate or group of candidates submit a how-to-vote card to the Electoral Commissioner under Section 66, any how-to-vote card subsequently lodged by that candidate or group under Section 112A (1)(c)(i)(B) must have substantially the same appearance as the initial submitted how-to-vote card.

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.

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

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

### **Electoral Regulation 20 – Prescribed requirements for How-to-Vote Cards (Legislative Council)**

If you lodge a How-to-Vote (HTV) card under section 112A of the Act, on the part of the material that has the appearance of a ballot paper, the following rules apply:

- Authorisation font size requirements - the registered party name or abbreviation, or the independent candidate's name and the word "candidate" must be printed:
  - 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".
  - The name of the candidate, the group of candidates or all the candidates.
  - Authorisation details:
    - If approved under section 112A(1a): the candidate's PO Box and suburb.
    - Otherwise: the address of the person who authorised the card (at the bottom).
  - Voting instructions:
    - If lodged by a group with a group voting square:

- Either:
    - a “1” in a group voting square next to the group name (optionally followed by consecutive numbers for other groups), plus a statement that voters may express preferences for other groups; or
    - Numbers in squares before the surnames of each candidate appearing on the card, plus a statement that voters must express preferences for at least 12 candidates.
  - If lodged by an individual candidate:
    - Numbers in squares before each the surnames of each candidate appearing on the card, plus a statement that voters must express preferences for at least 12 candidates.
- Format:
  - May be lodged electronically.

**Note:**

Section 126 of the Electoral Act states:

- (1) A person must not publicly advocate that a voter should mark a ballot paper otherwise than in the manner set out in section 76(2)
- (2) A person must not distribute how-to-vote cards in relation to an election unless each card is –
  - a) marked so as to indicate a valid vote in the manner prescribed in Section 76(2); or
  - b) identical to a card submitted for inclusion in posters under Section 66; or
  - c) identical to a card permitted to be distributed under Section 112A.

Maximum Penalty: \$2,500

- (3) A person must not publicly advocate that an elector may exercise their vote in a manner inconsistent with the provisions of this Act relating to the manner in which an elector may exercise a vote.

Maximum Penalty: \$2,500

- (4) It is a defence to a charge of an offence against subsection (3) to prove that acts alleged to constitute the offence arose from an honest and reasonable misunderstanding or mistake on the part of the defendant.

How-to-vote card includes any material that has the appearance of a How-to-vote card (whether published on its own or as part of any other material).

**ST12A(1)(b)(i) requirement for unendorsed candidates and groups: the party's name or registered abbreviation**

**How to Vote for the XYZ PARTY in the Legislative Council**

A	B	C	D	E
<input type="checkbox"/> REG PARTY	<input type="checkbox"/> REG PARTY	<input checked="" type="checkbox"/> 1 XYZ PARTY	<input type="checkbox"/> REG PARTY	<input type="checkbox"/> REG PARTY

**XYZ PARTY PUTS U FIRST**

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**How-to-vote-card** | **Surrounding material**



# PART 7: Electoral advertising

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## 7.1 Provisions relating to electoral advertising

Outlined in the following pages 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 Electoral Act.

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 of electoral advertisements**

*Electoral Act*

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

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.enquiries@sa.gov.au](mailto:ecsa.enquiries@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.

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**Electoral material published on the internet (including social media)**

*Electoral Act ss112(1)*

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.

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

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**Special provisions relating to how-to-vote cards**

*Electoral Act s112A*

Refer to Part 6 of this Candidate Guide – How-to-vote cards

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**Certain descriptions not to be used**

*Electoral Act 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
-

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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.

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**Misleading advertising**

*Electoral Act 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.

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**Headings to electoral advertisements**

*Electoral Act 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.

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

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

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**Size of electoral  
Advertisements**

*Electoral Act s115, 125  
Reg 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).

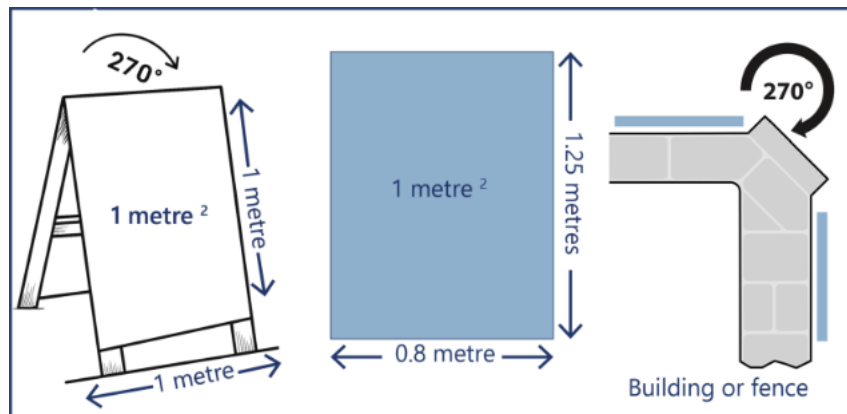


Diagram Extracted from [Electoral Advertising - Information Sheet](#)

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

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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.

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**Automated political calls**

*Electoral Act 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.

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**Certain artificially generated electoral advertisements prohibited**

*Electoral Act 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.

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

*Electoral Act 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
-

	<ul style="list-style-type: none"> <li>• if the advertisement is of a limited duration it appears for the duration of the advertisement; and</li> <li>• it complies with any other requirements prescribed by the regulations.</li> </ul>
<b>Withdrawal etc of certain advertisements</b> <i>Electoral Act s115D</i>	<p>(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:</p> <ul style="list-style-type: none"> <li>• withdraw the advertisement from further publication;</li> <li>• publish a statement relating to the contravention in specified terms and a specified manner and form,</li> <li>• (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).</li> </ul>
<b>Published material to identify person responsible for political content</b> <i>Electoral Act s116</i>	<p>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.</p> <ul style="list-style-type: none"> <li>• This section does not apply to:</li> <li>• leading articles published in a newspaper, magazine or other periodical;</li> <li>• 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;</li> </ul>



- 
- 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**

*Local Government Act  
ss226, 227*

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.

## **7.2 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 8: Scrutineers

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### 8.1 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 officials 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 officials. 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 RO 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.

### 8.2 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 ECSA's website: [ecsa.sa.gov.au](http://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 officials have no means to check the bona fides of a scrutineer, identification such as a driver's licence should be carried by the scrutineer.

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 (ie 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 an ROs office for post polling day scrutines and counts).

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

	<h2 style="margin: 0;">Appointment of Scrutineer</h2>	RO 59
<p><b>To the Electoral Officer in Charge of proceedings</b></p>		
<b>Candidate to Complete</b>		
Surname	Given Names(s)	
As a candidate contesting an election in the:		
<input type="checkbox"/>	House of Assembly District of:	
<input type="checkbox"/>	Legislative Council	
I hereby appoint the person named below to represent me at the following electoral venue:		
(Tick ✓ one box only)		
<input type="checkbox"/>	<b>Polling Booth</b>	
		Name of Polling Booth
<input type="checkbox"/>	<b>Central Processing Centre</b>	
<input type="checkbox"/>	<b>Declared Institution</b>	
<input type="checkbox"/>	<b>Returning Officer's Office</b>	
Signature	Date	
<b>Scrutineer to Complete</b>		
I declare that I will not <ul style="list-style-type: none"> <li>act as an assistant or attempt to influence an elector while they are voting</li> <li>divulge any knowledge of how any elector has voted</li> </ul>		
Surname	Given Names(s)	
Residential Address		
Name of substitute scrutineer (only complete if required in your temporary absence)		
Signature	Date	
<b>Note:</b> 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.

### **8.3 Where can scrutineers act?**

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

- declared institutions that have been gazetted to receive visits from electoral officials (i.e. hospitals, nursing homes, low-risk correctional institutions 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 ROs
- early voting centres;
- mobile polling booths in remote locations;
- polling booths;
- office of House of Assembly district ROs to observe the processing of declaration vote envelopes and the scrutiny and count of House of Assembly ballot papers;
- the Legislative Council central scrutiny and count to observe the re-check count of all Legislative Council ballot papers; and
- the Legislative Council ballot paper scanning bureau to observe the scanning and data entry of Legislative Council ballot papers.

### **8.4 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:

[ecsa.sa.gov.au](http://ecsa.sa.gov.au).

## **PART 9: Voting facilities**

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

- early voting centres;
- declared institutions;
- mobile polling booths (in remote areas only);
- postal voting;
- polling booths; and
- telephone-assisted voting.

### **9.1 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 commence issuing ordinary votes, absent ordinary votes and declaration votes a week prior to polling day, commencing Saturday 14 March. They will be closed on Sunday 15 March, and then open again from Monday 16 March through to Friday 20 March. For more information on the types of votes issued at EVCs, see the polling booth section below.

The location of EVCs will be published in 'The Advertiser' after the issue of the writ, on the ECSA website [ecsa.gov.au](http://ecsa.gov.au), and on the EasyVote Cards posted by ECSA to every elector.

Early votes will also be issued in person at:

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

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

### **9.2 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 issue votes to electors who are unable to attend a polling booth.

Electoral visitor teams are appointed by House of Assembly Returning Officers and work in pairs. The teams usually operate over the twelve days up to and including polling day up

until 6pm. The teams may set up a room within a venue to issue votes, or they may move around the venue from room to room.

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

**Note:** Electoral visitors only issue declaration votes and are not authorised to issue ordinary votes.

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.

### **9.3 Mobile polling booths (remote areas)**

Remote areas of the state are visited by electoral officials 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 on polling day, however the duration of the visit in each locality varies and can range 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 [ecsa.sa.gov.au](https://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.

## 9.4 Postal voting

Electors who are unable to attend a polling booth on polling day may apply to receive their ballot material by post. Applications can be made online ([ecsa.sa.gov.au](https://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 at each election 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.
- 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 House of Assembly district Returning Officer within 7 days of the close of poll.

Note: A candidate cannot act as an authorised witness for a person completing a postal declaration vote [*Electoral Act s4(1)*].



***Important: Previously, candidates and political parties were allowed to distribute postal application forms and to publish or provide material allowing electors to apply for a postal vote. Following legislative amendments candidates and parties are no longer permitted to do this.***

## 9.5 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 also 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 on ECSA's website, on the EasyVote cards that ECSA mails out to every elector, and in '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.

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 vote** 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 vote** 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); or
- an elector is a resident of a declared institution or a remote area elector; or
- a person who is not enrolled is seeking to claim enrolment on the day.

Polling booths are open between 8am and 6pm and any elector inside a booth at 6pm is entitled to vote.



***Important: A candidate must not take part in the conduct of an election and must not personally solicit the vote of any elector within 6 metres of the entrance to a polling place. A candidate must not act as an assistant at a polling booth by assisting an elector to vote.***



## **9.6 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. 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**

Including TAV in your campaign material 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 10: Election night counts

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### 10.1 Order of counts on election night

Ordinary vote ballot papers from electors voting at EVCs and polling booths within their own district are counted following the close of voting at 6pm at the EVC and polling booth. The preliminary results from these counts are sent to each of the House of Assembly Returning Officers and ECSA.

HA ballot papers are scrutinised before LC ballot papers.

The order of proceedings at scrutiny on election night is:

- count of HA ballot papers (first preferences);
- count of HA ballot papers that may be formal because of candidates' voting tickets;
- HA two candidate preferred count (notional distribution of HA 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 RO's premises in the case of polling booth counts.

### 10.2 The Legislative Council 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. Obviously informal ballot papers are set aside.

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

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

Early voting centres may 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 RO Legislative Council.

### **10.3      Vote counting in early voting centres on election night**

Following legislative changes, votes cast by electors at early voting centres established for their district will 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 its HA counts before the election night cut-off time, the LC count may commence on election night. However, if the HA counts cannot be completed within the required timeframes, the LC count will instead be undertaken at the EVC the next day (i.e. on the Sunday following polling day).

## **PART 11: Post-election day counting**

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A full scrutiny and count for the Legislative Council may take 3 to 4 weeks or longer to complete and will be finalised using approved count software.

After election night, ordinary Legislative Council ballot papers initially counted at polling booths and early voting centres are securely packaged and delivered to the Returning Officer Legislative Council at ECSA's central processing centre (CPC). These ballot papers are delivered progressively in the days after polling day, with ballot papers from remote country districts likely to arrive last.

### **11.1 Recheck of ordinary ballot papers taken in polling places**

All ordinary Legislative Council ballot papers initially counted on election night and the following day (Sunday) must be counted again by the Returning Officer Legislative Council in what is called the recheck count.

Rechecking is an administrative process where ballot papers are checked again for formality, and for correct sorting and counting. This process generally commences on the Tuesday after polling day and can take 8-10 days to complete. Ballot papers are kept in polling place order at all times.

All ballot papers with a single preference above the line are checked again for correct counting. The rechecked figures are then data entered into the Electoral Commission SA's election management system.

All ballot papers with multiple preferences above or below the line, as well as all apparently informal ballot papers are counted and then securely packaged and transferred to the scanning centre for scanning.

Party registered officers, group leaders and ungrouped candidates will be advised of the scrutiny schedule so that scrutineers may be appointed.

### **11.2 Absent ordinary vote counts**

Following the 2025 amendments to the Electoral Act, 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 House of Assembly district RO offices.

The House of Assembly district RO will conduct one or more absent ordinary vote counts during the week after polling day. The RO 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.

At the end of the week, each district returning officer will package the absent ordinary ballot papers and forward them to the Returning Officer Legislative Council for inclusion in the recheck count.

### **11.3 Declaration vote count**

The processing of declaration vote envelopes and the initial counting of LC ballot papers removed from accepted envelopes is undertaken by House of Assembly district returning officers.

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 (e.g. postal votes) are returned directly to House of Assembly district ROs by voters and these are received from before 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 RO offices.

The House of Assembly RO will conduct a number of 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 declaration votes
- Postal votes
- Declared institution and remote mobile polling votes
- Telephone-assisted votes, interstate votes and overseas votes

At the end of the week, each district returning officer will package the declaration ballot papers in their separate categories, and forward them to the Returning Officer Legislative Council for inclusion in the recheck count.

**Note:** Legislation permits the admission of a LC ballot paper to further scrutiny (providing the elector is enrolled at an address in SA) from a declaration vote envelope, even though the elector's HA ballot paper has been rejected because the elector is not on the roll for the HA district claimed [EA s91(1a)].

### **11.4 Determination of formality**

The Returning Officer Legislative Council may reverse any decision taken at a polling booth (or by a House of Assembly Returning Officer) in relation to the formality of ballot papers.

## 11.5 Scanning of Legislative Council ballot papers

All ballot papers with multiple preferences above or below the line are scanned to capture the thousands of preferences contained on them, ready for distribution. All apparently informal ballot papers are also scanned to assist in confirming the determination of informality.

The semi-automated scanning process captures preferences using a combination of optical character recognition software and manual verification by human operators. After scanning, computer recognition reads the preferences and other marks from the image of each scanned ballot paper and captures the data.

A data entry operator populates any preferences that are unable to be read with high confidence by the computer recognition in the previous step. A separate data entry operator then manually enters a complete capture of all preferences marked on each ballot paper. If the data entered by the data entry operator does not match the data from the data capture, the ballot paper is escalated for adjudication by a supervisor. Any complex ballot papers are escalated for Electoral Commission SA staff to adjudicate.

As with every stage of the Legislative Council count, scrutineers may view the entire scanning and data entry process. At the scanning centre, all workstations have secondary monitors to improve visibility for scrutineers and scrutineers may raise challenges for further adjudication.

## 11.6 Computerised count of Legislative Council ballot papers

Once all ballot papers have been rechecked and the scanning and data entry processes are completed, the final reconciliation and calculation of the result is performed using Electoral Commission SA's computer count application.

The following is a general outline of the computerised count and reconciliation process:

- After all ballot papers that were marked with a single group vote above the line have been counted manually, the results are entered into the computer count software in bulk.

***Note: a single preference for a group will result in consecutive preferences for the candidates in that group.***

- After ballot papers marked with multiple preferences above or below the line have been scanned and verified by data entry operators, the preferences are recorded and securely transferred to Electoral Commission SA for reconciliation.

***Note: above the line preferences are converted into the equivalent below the line preferences, sequentially numbering all the candidates of the groups with preferences against them.***

- After final reconciliation is completed, all preferences captured through the scanning and verification process are transferred to the computer count application.

- The computer count application then calculates a quota and performs the complex count and distribution of preferences. The application produces a report showing the distribution of ballot papers and the successful candidates in order of election.

## 11.7 Determining the results of the Legislative Council election

A simplified explanation of how the Legislative Council electoral system works:

### STEP 1

1st preference votes for each candidate on formal ballot papers are counted.

Informal ballot papers are set aside.



### STEP 2

The quota is calculated:

$$Quota = \frac{\text{No. of formal ballot papers}}{(\text{No. of vacancies} + 1)} + 1$$



### STEP 3

The quota is the minimum number of votes candidates need to be elected. Candidates with votes equal to or greater than the quota are elected.

If all vacancies have been filled, the election is finished.

If some vacancies remain unfilled, the votes of elected candidates are checked to see if any received more votes than the quota (surplus votes).

↙ IF YES

IF NO ↘

#### STEP 4

Any surplus votes for an elected candidate (those in excess of quota) are distributed to candidates continuing in the count, according to the next available preference marked on the ballot papers.

The surplus votes are distributed at a transfer value (TV):

$$TV = \frac{\text{Candidate's no. of surplus votes}}{\text{Candidate's total no. of ballot papers}}$$

Total votes for each of the continuing candidates are calculated.

- Step 3 is revisited.

#### STEP 5

If there are vacancies remaining unfilled, the candidate with the least votes is excluded from the count. That candidate's votes are distributed to continuing candidates according to the next available preference indicated on the ballot papers.

**Note:** *there are special rules for breaking ties.*

Each continuing candidate's total votes are calculated, then:

- Step 3 is revisited or,
- if the number of continuing candidates is equal to the number of vacancies remaining unfilled, all those candidates are declared elected and the election is finished.



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## A MORE DETAILED OVERVIEW OF THE LEGISLATIVE COUNCIL COUNTING SYSTEM:

A proportional representation (PR) electoral system called **single transferable vote** is used to elect the members of the Legislative Council. This system has been used in South Australia since 1975.

Single transferable vote is considered to be a 'fair' system for multi-member elections because it ensures that winning candidates are elected with near equal numbers of votes and in proportion to their support from voters. However, it is more complex than other counting systems, and takes longer to finalise.

Counting the votes for the Legislative Council is both slower and more complicated than the count for the House of Assembly. On election night only first preferences are counted, leaving the major part of the count – i.e. the calculation of the quota, the distribution of surplus votes and the exclusion of candidates - to the weeks after the election.

### THE QUOTA

The quota is the minimum number of formal votes a candidate needs to be elected. The quota is calculated by dividing the total number of formal ballot papers in the count by one more than the number of Legislative council members to be elected (i.e. the vacancies), adding one to the result, and disregarding any fractional remainder.

For example:

$$Quota = \frac{\text{No. of formal ballot papers}}{(\text{No. of vacancies} + 1)} + 1$$

$$Quota = \frac{1,000}{(11 + 1)} + 1$$

$$Quota = 84.333$$

$$Quota = 84$$

***Note: The quota cannot be calculated until the total number of formal ballot papers is known, and this cannot be determined until the deadline for postal votes to be returned has passed 7 days after polling day.***

Each 1st preference on a ballot paper is worth one vote. The formal ballot papers are examined to determine the number of 1st preference votes each candidate has received. If a candidate:

- has received a number of votes which equals or exceeds the quota, the candidate is elected;
- is elected with exactly the same number of votes as the quota, these ballot papers are set aside as finally dealt with as there is no surplus (votes in excess of the quota) to distribute;
- gains more votes than the quota, the surplus votes are not wasted, but transferred or passed on to continuing candidates (candidates not already elected or excluded from the count) provided there are still vacancies to fill.

A candidate may obtain quota by obtaining either:

- a number of 1st preference votes equal to or greater than the quota, or
- a combination of 1st preference votes and votes transferred from elected and/or excluded candidates.

## **DISTRIBUTION OF SURPLUS VOTES**

Candidates who receive a quota, or more, of 1st preference votes are elected immediately. The surplus votes (if any) of these elected candidates are transferred to continuing candidates according to the next available preference shown on the ballot papers.

Surplus ballot papers when transferred do not keep their original value of 1. Because it is not possible to determine which votes actually elected the candidate and which votes are surplus, all an elected candidate's ballot papers are transferred at a reduced value called a transfer value (TV).

The value of each transferred ballot paper is calculated by dividing the surplus votes of the successful candidate by the total number of ballot papers received by that candidate. The formula used to calculate the transfer value (TV) is as follows:

$$TV = \frac{\text{Candidate's no. of surplus votes}}{\text{Candidate's total no. of ballot papers}}$$

If two or more candidates are elected at the same stage of the count, the candidate with the largest surplus is said to be elected first. The surplus votes of a candidate elected at an earlier count are always passed on before the surplus of a candidate elected at a later count.

Other candidates may now become elected during the distribution of surplus votes.

## **EXCLUSIONS**

After all surpluses of elected candidates have been distributed and if vacancies still remain to be filled, the candidate with the least number of votes is excluded and removed from the count. The excluded cand

The preferences on ballot papers of the candidate with the least number of votes are examined and the ballot papers distributed to candidates remaining in the count according to the next available preference.

Ballot papers are transferred as follows:

- the excluded candidate's 1st preference ballot papers are transferred first at the full value of one vote each
- ballot papers received as a result of a surplus transfer are passed on at the same vote value as they were received, i.e. at the surplus transfer value.

During an exclusion, each parcel of ballot papers received by the excluded candidate at different stages of the count process is transferred to continuing candidates as a separate count.

## **FINALISING THE COUNT**

The process of distributing surpluses of elected candidates and excluding candidates continues until all vacancies have been filled or until the number of candidates remaining in the count is equal to the number of vacancies remaining. At that stage, where no candidate has a quota, the candidates will be elected with the order of election determined by the highest numbers of votes.

## **CANDIDATES ELECTED WITHOUT A QUOTA**

Because electors are not required to mark preferences for every group or candidate, this inevitably leads to votes that become exhausted during the count – i.e. ballot papers where no further preferences have been expressed by electors. Once a vote has been exhausted, it must be set aside from the count.

If, as a result of exhausted ballot papers, there are not enough votes left in the count to fill any remaining vacancies, the candidate or candidates with the highest number of votes are elected regardless of whether they have reached quota.

## **11.8 Declaration of the poll**

As soon as practicable following the completion of the count, the ROLC will notify all candidates of the time and place for the declaration of the poll. Candidates will have the opportunity to speak at the declaration.

## **PART 12: Re-counts, tied elections & disputed returns**

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### **12.1 Re-counts**

At any time before the declaration of the result, the Returning Officer Legislative Council may consider it appropriate to conduct a re-count. In addition, the Electoral Commissioner may direct a partial or full re-count 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. The Electoral Commissioner's decision overrides any decision taken by the ROLC.

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

### **12.2 Tied elections**

In respect of the last vacancy, the continuing candidate who has the larger number of votes will be elected despite the fact that the number of votes received is below the quota. If the continuing candidates have an equal number of votes, the settlement of the deadlock must be resolved by the Court of Disputed Returns.

However, any election held by order of the Court of Disputed Returns due to a tie, must be held in accordance with any directions of the Court with those continuing candidates as the sole candidates in that election.

### **12.3 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;
- be attested by 2 witnesses whose occupations and addresses are stated; and
- be filed in the 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 Legislative Council;
- that a person found by the Court to have been duly elected (but not returned as elected) take his or her seat as a member of the Legislative Council;
- declare an election void and require a new election to be held.

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

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 will not be declared void on the ground of:

- a defect in a roll or certified list of electors, or
- an irregularity in, or affecting, the conduct of the election.

An election may be declared void on the ground 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 ground of a breach of sections 109 (Bribery), 110 (Undue influence) or 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 13:      Electoral Complaints**

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### **13.1      Purpose**

The Feedback and Complaint 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 ECSA.

### **13.2      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.

### **13.3      Lodging a complaint**

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

Complaints must be made in writing using the online form available on the ECSA website [www.ecsa.gov.au](http://www.ecsa.gov.au).

Complaints may be made:

online:      [www.ecsa.sa.gov.au/about-ecsa/feedback-and-complaints](http://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](mailto: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.

### **13.4 Consideration of complaints**

During election periods, 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.

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 Act 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.

### **13.5 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.

### **13.6 Timeframes**

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

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



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

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 Act provides the Electoral Commissioner with the ability to seek a Supreme Court injunction.

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

# Glossary of terms

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**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 ROs
- 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, EVC, RO office, central processing centre (CPC).

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

**Declaration vote** A vote 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 HA RO for inclusion in the count. Declaration votes include postal votes, telephone votes, and silent 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 votes 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 (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 Electoral Act, 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 Electoral Act.

**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 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 to electors at an early voting centre or polling booth who:

- are enrolled at an address in the district for which the polling place 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 on polling day, or unable to get to a polling place, may apply to vote by post. In South Australia a postal vote is a declaration vote.

**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 (RO)** 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 voice, a show of hands or 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.



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