Electoral Commission SOUTH AUSTRALIA

LG 20

Local Government Elections



Candidate Handbook

Introduction

The Candidate Handbook for Local Government elections is designed to support people who are considering nominating as a candidate for their local council.

It outlines key legislative requirements and provides an overview of the nomination and election processes. Candidates should also refer to the relevant South Australian legislation for further information:

- *Local Government Act 1999* (LGA), and the *Regulations* under that Act
- *Local Government (Elections) Act 1999* (LGEA) and the *Regulations* under that Act

The LGA, LGEA and the associated regulations are available from the South Australian Government Legislation website at www.legislation.sa.gov.au

This handbook explains:

- the nomination and election processes
- aspects of legislation that guide the conduct of elections.

While the Electoral Commission of South Australia (ECSA) provides information about local government elections, it cannot provide legal advice about the interpretation of the Acts or Regulations, or about the conduct of election campaigns. Candidates with complex queries may wish to consider seeking independent legal advice.

As Acting Electoral Commissioner, I am the returning officer for all council elections and polls and responsible for their management. I appoint deputy returning officers and electoral officers to carry out certain delegated electoral responsibilities.

Deputy returning officers and electoral officers can provide information about electoral processes and procedures and respond to questions or concerns about the content of this handbook.

Queries about the contents of the booklet can also be directed to:

Electoral Commission SA
Level 6, 60 Light Square
Adelaide SA
telephone 1300 655 232

or the website www.ecsa.sa.gov.au

The ECSA website also provides information about enrolment, nominations, and the voting system for local government elections.

Leah McLay
ACTING ELECTORAL COMMISSIONER

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Candidate checklist

Eligibility *LGEA s17*

☐ Have you checked your eligibility to be a candidate?

Nominations *LGEA s19, LGEA Reg 6*

Form

☐ Have you logged into the client portal using your email address?

☐ Did you correctly identify if you were nominating as an elector in your own right, or on behalf of a body corporate or group?

☐ Did you monitor your emails to ensure that you were able to complete the setup of your client portal user account? Did you take note of your login credentials?

Profile

☐ Have you read the profile and photograph guidelines (LG13)?

☐ Have you completed your profile?

☐ Does it meet the legislative requirements?

Photograph

☐ Are you submitting a photo? Has it been taken in the last 12 months?

You must lodge your nomination and profile (with optional photo) by close of nominations

Campaigning *LGEA ss27, 28, 57-66, 89*

Authorisation, identification, publication of material

☐ Have you authorised your campaign material?

☐ Does it meet the requirements?

It is an offence to publish inaccurate or misleading material

Availability of information

☐ Have you checked with your council regarding requirements on the display of signage?

Illegal practices *LGA ss 27-28, LGEA ss57-66, 73*

☐ Have you read the legislative framework for candidates outlining electoral material and illegal practices and restrictions?

A consolidated form will be forwarded after nomination close

Moveable Signs *LGA s226*

☐ Have you read the legislative framework outlining restrictions around the exhibition of electoral advertising posters (including corflutes) on a public road (including structure, fixture or vegetation), except as prescribed by regulation?

Scrutineers *LGEA ss32, 61, 66*

☐ Have you received your scrutineer authority form/s? (*forwarded after nominations close)?*

☐ Have you discussed with your scrutineers the rights and responsibilities of a scrutineer as outlined on the back of the scrutineer authority form?

☐ Have you appointed scrutineers and signed the scrutineer authority form/s?

Returns for campaign donations and gifts *LGEA ss80-90*

☐ Have you completed a special gift return within 5 days for any gift/s of $500 or more during the special disclosure period?

☐ If you have entered into an arrangement or understanding to jointly incur expenditure or hold gifts or election-related funds in a shared account, have you lodged a return within 1 business day?

☐ Have you completed your return for all gifts due between 21 and 28 days after polling day for the election (even if a 'Nil' return)?

☐ Have you read the legislative framework for candidates on the requirement to keep records?

Abbreviations

LGA	*Local Government Act 1999*	Reg	Regulation
LGEA	*Local Government (Elections) Act 1999*	s	Section

Council election timetable

The *Local Government (Elections) Act 1999* provides for periodic elections to determine the membership of each council every four years. Supplementary elections may also be held to fill mid-term casual vacancies subject to certain conditions.

The Act sets out the timeframes for conducting periodic and supplementary elections and establishes the framework for how these elections are to be conducted.

Council elections are conducted primarily by post (with telephone assisted voting available for eligible electors).Voting in council elections is voluntary.

The key dates for periodic and supplementary council elections are summarised below.

Council Elections April 2027

ROLL CLOSE
5pm, Monday 4 January 2027

Public notice inviting nominations
By Tuesday 26 January 2027

NOMINATIONS OPEN
Tuesday 26 January 2027

NOMINATIONS CLOSE
12 noon, Tuesday 9 February 2027

Draw for position of candidate names on the ballot paper
9am, Wednesday 10 February 2027

Public notice of nominations received and notice in writing to candidates
By Thursday 25 February 2027

Furnish a *special gift return*
Within 5 days of receipt of gift of $500 or more

Mail-out of voting packs to electors
Thursday 11 March 2027 to Wednesday 17 March 2027

POLLING DAY – CLOSE OF VOTING
5pm, Wednesday 7 April 2027

SCRUTINY AND COUNT
9am, Saturday 10 April 2027

Provisional declaration
Manual Counts - immediately after the completion of each election count
Computer Counts - immediately after the count has been completed

Written advice to candidates notifying the election results
After the conclusion of the election

Furnish a *return for all gifts*
Lodged Wednesday 5 May 2027

Public notice of election results
Within a month after the conclusion of the election

The role of the returning officer

The state Electoral Commissioner is appointed as the returning officer for all council elections and polls in South Australia.

The Electoral Commissioner may:

- investigate any matter concerning the operation or administration of the Act, including a matter that may involve a breach of the Act
- bring proceedings for an offence against the Act
- lodge a petition in the Court of Disputed Returns disputing the validity of an election if considered appropriate due to an error in recording, scrutiny, counting or recounting of votes in the election
- determine the forms to be used for the purposes of the Act

The returning officer (RO):

- is responsible for the management of council elections and polls
- appoints appropriate deputy returning officers (DROs) and other electoral officers, some of whom may be council staff, who are directly responsible to the returning officer
- provides information on election procedures and general matters including:
  - method of voting and vote counting
  - organisation and conduct of the election
  - election requirements
  - lists of valid nominations received and the names of candidates on the Internet throughout the nomination period
  - publication of candidate profiles on the website within 14 days of nomination close
  - preparation of candidate profiles and instructions which are forwarded to electors with the ballot papers
- delegates certain electoral responsibilities to DROs and provides those officers with appropriate training and support
- is not subject to the directives of the council Chief Executive Officer (CEO) or council members regarding the administration of the election, or matters pertaining to the election
- is impartial
- may, after consultation with the LGA:
  - arrange advertising including information on candidates
  - encourage voting at elections
  - inform electors on postal voting and the method of voting
  - advise potential electors (other than those on the House of Assembly roll) of the requirement to apply to be on the council voters roll.

The returning officer **will not**:

- provide legal advice
- view, check, or comment on electoral material. It is your responsibility to ensure that material complies with the *Local Government (Elections) Act 1999* or any Commonwealth and State Laws.

The voters roll

The voters roll is a combined list of:

- House of Assembly electors
- Council records containing details of natural persons, bodies corporate and groups who have made an application for enrolment.

Except for House of Assembly electors, the roll expires on 1 January of each election year, and electors must renew their enrolment.

Qualifications for enrolment

Natural persons that are enrolled as electors for the House of Assembly are automatically included on the voters roll for that area or ward (i.e. no additional application for enrolment is required).

The following are entitled to join the voters roll by making an application for enrolment to the council CEO.

1. **A natural person** who
   - is a State elector; *and*
   - is a ratepayer within the area or ward and is the non-resident sole owner of that rateable property, *or*
   - is a ratepayer within the area or ward and is sole occupier (but not a resident of) that rateable property.

2. **A body corporate** who is a ratepayer of rateable property within the area or ward and is the sole owner or sole occupier of that rateable property.

3. **A group of persons** (consisting of natural persons, bodies corporate or partly of natural persons and partly of bodies corporate) who are:
   - all ratepayers of rateable property within the area or ward
   - joint owners, owners in common or joint occupiers of the rateable property
   - at least one member of the group is not on the relevant voters roll as a natural person (being a natural person aged 18 years or over) or body corporate
   - no member of the group is on the voters roll by virtue of being a House of Assembly elector resident in respect of the rateable property for which the entitlement is to be claimed
   - no member of the group is an occupier, though not an owner, and resident of the rateable property.

When body corporates or groups make an application for enrolment, they must select an eligible person to be their designated person for the purpose of voting.

Applications for enrolment are checked against the assessment record to verify eligibility.

Note
State Crown entities are not entitled to be enrolled.

Roll details and responsibilities

The CEO for each council is responsible for the maintenance of the voters roll for the area, and must set out in relation to each enrolled natural person, body corporate or group:

- natural person – full name, residential address, and rateable address for which they are entitled to be enrolled (if different to residential address)
- body corporate or group – full name, residential address, and date of birth of the designated person, full name of the body corporate or group, and rateable address of the body corporate or group for which they are entitled to be enrolled
- if the person, body corporate or group nominate an additional address which they wish the postal voting papers to be delivered
- any prescribed particulars (i.e. details of the ward in which the elector is entitled to vote).

The voters roll must be brought up to date whenever an election or poll is to be held to reflect entitlements at the roll close date -

a) for a periodic election, the roll closes not less than 13 weeks before the close of voting
b) for any other election or a poll, the roll closes not less than eight weeks before polling day, on a day fixed by the proclamation or notice fixing polling day for the election or poll.

Note

- *to be entitled to vote in an election, a provisionally enrolled State elector must be 18 years (or over) on or before the close of voting*
- *where the disclosure of any address may place the safety of a person at risk, that address may be suppressed from the voters roll*
- *if an elector does not update their enrolled address until **after** roll closure, they will not be entitled to receive voting material for their new address*
- *the voters roll for the council area is available at the council office for public inspection (without charge) from three weeks after the roll close*
- *candidates (in contested elections) are entitled to obtain a copy of the voters from the returning officer at any time between the close of nominations and the close of voting. Any further copies may be purchased from the returning officer on payment of fees fixed by the returning officer*
- *a person who uses a copy of the voters roll for a purpose other than the distribution of matter to affect the result of a local government election or a purpose related to the election is guilty of an offence with a maximum penalty of $10 000.*

Entitlement to vote

A natural person

Only State electors (enrolled on the South Australian House of Assembly roll) may vote in council elections.

This includes:

- persons that are automatically on the voters roll for an area or ward by virtue of being a House of Assembly elector (including provisional electors who turn 18 years on or before the close of voting)
- natural persons that made an accepted application for enrolment to the council CEO
- designated persons for the purpose of voting on behalf of a body corporate or group that made an accepted application for enrolment to the council CEO.

Designated person

Body corporates or groups that are on the voters roll for a ward or area will receive a voting pack. Only the designated person for the body corporate or group is authorised to complete the vote.

For a body corporate, the designated person must be:

- a natural person
- 18 years or older
- a State elector
- an officer of the body corporate.

For a group, the designated person must be:

- a natural person
- 18 years or older
- a State elector
- a member of the group, or an officer of a body corporate that is a member of the group.

Multiple entitlements

A person can only vote in one capacity at an election.
For example, if a person was enrolled in two wards of a council area (whether as a natural person or designated person), then they would still only be entitled to vote once in the mayor election for that council.

Omissions from the voters roll

If, as a result of administrative error, the name of a person, body corporate or group has been omitted from the voters roll for an election or poll, an entitlement to vote is given as if the error had not occurred.

Information session for intending candidates

Candidate information sessions

In addition to this handbook, ECSA provides intending candidates with information through:

- in-person information sessions (scheduled for January 2027)
- a recorded online information session
- short quick reference videos.

These resources explain key election events and processes, nomination requirements, and candidate obligations.

To access these resources or register attendance at an in-person session, visit ecsa.sa.gov.au

ECSA's resources do not provide information about the role or responsibilities of being a councillor.

Nomination requirements and procedures

The returning officer manages the nomination process, with some responsibilities delegated to electoral officers.

Who can nominate

To be eligible to be a candidate, you must be:

- an Australian citizen; and

  as at roll close

- an elector for the council area; or
- the nominee of a body corporate or a group either of which has its name on the council voters roll (must be 18 years or older and must be an officer of the body corporate or a member of the group or an officer of a body corporate that is a member of the group); or
- your name has been omitted in error from the council voters roll or you are the nominee of a body corporate or a group which has had its name omitted in error from the council voters roll and would otherwise be eligible for nomination.

A body corporate or group determines their nominee to stand as a candidate for an election.

Who cannot nominate

You cannot nominate as a candidate if you are:

- a member of an Australian Parliament (including any State or Territory Parliament)
- an undischarged bankrupt or benefiting from a law for the relief of insolvent debtors
- an employee of the council
- disqualified from election by court order under the *Local Government Act 1999*
- suspended from office under section 55B of the *Local Government Act 1999*
- have been sentenced to imprisonment and are, or could become, liable to serve the sentence or the remainder of the sentence.

Note – You cannot

- *nominate for more than one position on a council*
- *nominate for election to more than one council; in the event of multiple nominations, all nominations are invalid at the time of close of nominations*
- *be a candidate at a supplementary election if you are a member of another council.*

How to nominate

Nominations must be lodged with the returning officer during the specified nomination period.

During the nomination period, the ECSA client portal will be available for candidates to complete, amend and lodge nominations online.

The client portal can be accessed via the ECSA website: www.ecsa.sa.gov.au

To nominate, you will be required to:

- **select the election event** (e.g. 2027 Local Government Periodic Elections)
- **select the council and vacancy** for which you intend to nominate
- **input your details** (used by ECSA to verify eligibility)
- **input your ballot paper name**
- **input your candidate profile statement**
- **upload your head and shoulders photograph** (optional)
- **review your details to ensure accuracy**
- **make the required declarations of eligibility**
- **lodge the form** (by typing your full name and pressing the “Submit” button)

After lodging their nomination, candidates are required to finalise the setup of their client portal user accounts. An email will be sent to the candidate prompting this action. Finalising your client portal user account allows you to:

- amend and re-lodge your nomination (if required)
- securely request and obtain a copy of the relevant voters roll from the returning officer
- lodge required disclosure forms with the returning officer.

If you experience any difficulties accessing or navigating the client portal, please contact ECSA on 1300 655 232.

Important: ECSA assesses all submitted nominations to confirm they meet legislative requirements. If a submitted nomination does not comply, ECSA will make every effort to contact you so that you can (if possible) amend and re-lodge. However, no amendments, withdrawals, or new nominations can be lodged after nominations close. You are strongly encouraged to:

- familiarise yourself with the nomination requirements prescribed by the legislation and regulations
- lodge your nomination with ample time to allow for amendment and resubmission.

Amending a submitted nomination

ECSA identifies deficiency

If a deficiency is identified in a submitted nomination, ECSA will attempt to notify you and will then return the nomination to "in progress" status. You can then use your client portal login credentials to access and amend your nomination. Any information previously entered into the system will not need to be re-entered.

If the nomination is not re-submitted by the close of nominations, it will be invalid.

Candidate wants to initiate an amendment

Changes cannot be made to a nomination that is in submitted status. If a candidate wishes to make an amendment to a submitted nomination, they must contact ECSA to request that it be returned to "in progress" status.

Candidate wants to change the council or ward for which they nominate

If a candidate with a submitted nomination wishes to change the council or ward for which they are nominating, they must first withdraw their existing nomination.

Withdrawing a nomination

You can withdraw your submitted nomination at any time **before** the close of nominations.

A nomination cannot be withdrawn after the close of nominations.

Nominations are withdrawn via the client portal.

A submitted nomination from a nominee of a body corporate or group can also be withdrawn by notice from that body corporate or group. Body corporates or groups wanting to withdraw their nominee can email ecsa.nominations@sa.gov.au to obtain a copy of the withdrawal form.

Multiple nominations

Candidates are only entitled to nominate for one election.

If, at the close of nominations, a candidate has multiple submitted nominations, then all those nominations will become invalid.

Dispute over validity of a nomination

The returning officer will resolve any dispute as to the validity of a nomination.

Selecting nomination entitlement

You must correctly identify your entitlement when submitting a nomination.

Specifically, you must correctly identify if you are nominating as:

- an elector in your own right
- the nominee of a body corporate
- the nominee of a group.

Your name to appear on the ballot paper

On the ballot paper, your surname will be printed in capital letters and precede your given name/s (e.g. SMITH, John).

You may request:

- that the ballot paper displays the name by which you are generally known (e.g. JONES, Bill)
- that certain letters in your surname be displayed in lower case (e.g. McDONALD, MacMILLAN, van der MEER).

Your nomination may be rejected if, in the opinion of the returning officer, the name under which you nominate:

- is obscene
- is frivolous
- has been assumed for an ulterior purpose.

Note: titles and honorifics are not permitted on the ballot paper.

Candidate contact details

Please ensure you are readily contactable using the details provided with your nomination. This allows ECSA to contact you and resolve any queries in a timely manner.

Your contact details will also be provided to the Council CEO at the close of nominations so that they can contact you regarding any information that is relevant to all candidates.

Display of nominations

Throughout the nomination period, the returning officer is responsible for publishing an up to date (as far as reasonably practicable) record of valid nominations (including the names of nominated candidates and number of accepted nominations) on the internet.

Publication of candidate profiles

All candidate profiles must be published on the internet within 14 days of nominations close.

Printed candidate profiles are also included within the voting packs that are mailed out to electors.

Candidate profiles and photographs

Profile content

Your nomination must be accompanied by your candidate profile.

Your profile provides electors with a brief overview of your past and current experience to assist them to make choices when voting.

Your profile may include:

- current or past work experience/qualifications
- work or community interests
- community involvement including membership of clubs/boards
- personal information e.g. marital status/children
- declarations of public policy and promises of public action.

Additionally, if you have a campaign specific website and or a campaign social media page, these details can be included in the profile to help voters to make choices when voting.

Legislative requirements of a candidate profile

Submitted profiles must comply with the requirements as prescribed by the *Local Government (Election) Regulations 2025*.

Your profile must:

- not exceed 1000 characters
- be accurate and not misleading
- not contain offensive or obscene material
- not refer to another person who has nominated as a candidate for election to the council (whether at the same election or any other election to be held on the same day) without the written consent of that person (lodge the written consent with your profile)
- not comment on decision or actions that have been made or taken by the council or on decision or action of past or present members of the council.

Commentary guidelines

The word 'comment' is taken to mean a criticism, value judgement or endorsement of a decision about a council or council members. It does not prevent neutral statements of fact but is intended to exclude commentary that is either negative criticism or positive endorsement. Look at examples 1 and 2 to see how an unacceptable statement can be altered to make it acceptable.

Example 1	*Unacceptable*	'I have served on the council's **effective** environmental committee which has led to the **successful and much appreciated** greening of the town's **former barren** sports field. My future commitment, if elected, is to support all reasonable environmental causes.' **This statement loses neutrality and becomes commentary**
	Acceptable	'I have served on the council's environmental committee which has led to the redevelopment of the town's sports field. My future commitment, if elected, is to support all reasonable environmental causes.' **This statement is acceptable as it is not criticising a council decision but reflects a statement of public policy**
Example 2	*Unacceptable*	'The council has made **many poor decisions** in relation to childcare in our area, **culminating in the closure of the Main Street childcare centre**. The **current council clearly does not care** about young mothers or young families – elect me to council as someone who does care about young families.' **This statement loses neutrality and becomes commentary**
	Acceptable	'I have a passionate interest in the development of facilities for young mothers and young families and am committed to the development of such facilities if elected to council.' **This statement is acceptable as it is not criticising a council decision but reflects a statement of public policy**

Statements that appear with your profile

The Regulations also require submitted profiles to be accompanied by several statements. These statements do no need to be included in the body of text of your profile. The client portal will prompt you to declare:

- whether you live in the area or ward (for which you are nominating)
- whether you are an existing member of a registered political party (you must identify the party), or if you have been a member of a political party within the preceding 12 months (you must identify the date that you ceased to be a member)
- if you have received any public adverse findings from the Behavioural Standards Panel, Ombudsman, SACAT, the District Court or the Supreme Court in connection with your role as a member of a council (this statement will only appear alongside your profile if an adverse finding has been made)
- your contact details being, either your:
    - address (cannot be a post office box)
    - email address
    - telephone number.

The client portal will also require you to declare that you take responsibility for the content of the profile.

Principles that apply to your profile

To ensure consistency and fairness, each candidate will be allocated the same amount of space on the profile sheet, regardless of the number of characters in the profile. For example, a candidate with a 100-character profile will be allocated the same amount of space as a candidate with 1,000 characters profile.

If your profile exceeds the 1000-character limit and is not reduced before the close of nominations, the returning officer will remove any characters appearing after the 1000th character.

Your name, as it appears on the ballot paper, will be printed above the profile, and is not included in the character count. Titles and honorifics, if you require them, are permitted in the body of the text only.

Profiles will be printed:

- in the same order as the names appear on the ballot paper
- with continuous text (no paragraph breaks)
- in the same size font and exclude: • dot points, underlining, **bolding** or CAPITALISED words (unless a recognised acronym e.g. CSIRO).

Note:
Electoral officers are not responsible for checking the accuracy of any information you include in your profile and neither the returning officer, electoral officers nor council staff bear any liability for the publication of a profile under the Act and Regulations

Candidate photographs

It is your decision whether to submit a photograph. If you choose to provide one, it may be in either colour or black and white, though profiles and photographs are reproduced only in a greyscale format.

If you choose to submit a photograph, the photograph:

- must be the same size as an Australian passport photograph, unless approved by the returning officer
- must predominantly show your head and shoulders
- must have been taken within the last 12 months
- must be received by the deputy returning officer no later than the close of nominations.

Photographs will be printed adjacent to your profile. If you choose **not** to submit a photograph, the words 'Photograph Not Provided' will be displayed in a square adjacent to your profile.

If you wish to provide a photograph you must do so when you lodge your nomination – once your nomination is accepted, you cannot provide a photograph later.

Note

The quality of the photograph supplied will determine the clarity of the printed reproduction.

Example of a printed profile sheet

UTOW01

Utopia District Council

Election of 6 Area Councillors

Profiles for each of the 7 candidates are printed below in the same order as their names appear on the ballot paper. This information has been provided by the candidates and neither the Returning Officer nor the Utopia District Council take responsibility or bear liability for the content contained within.

All candidate declarations are required to be made in accordance with *Regulation 6 of the Local Government (Elections) Regulations 2025*.

L McLay, Returning Officer

Photograph Not Provided

JONES, Trevor

Local farmer

I live in the Area
I am not a member of a Political Party
Contact Details: TJonesy1@gmail.com



STEVENSON, Craig

I have lived and worked in the district for the past 20 years as a farmer. Throughout this time, I have been involved in and lead lots of committees. I am married and have 2 children who are currently at the local school. I have worked extensively with CFS brigade and have been chair of the school governing council for the past 8 years. My work takes me across all the districts in our council region which gives me the opportunity to talk about and listen to the concerns and ideas that rate payers have about the past present and future. I believe I have a lot to offer and am able to help guide our districts growth forwards into the future.

I live in the Area
I was a member of the Democratic Nation Party until 29/11/26
Contact Details: 8765 4321
I have received an adverse finding from the Behavioural Standards Panel



SMITH, Shona

I grew up in Brisbane but always had a heart for the country lifestyle. I studied agriculture as soon as I left high school and spent time working on farms and in the manufacturing industry. I moved to the Southern Mallee district in 2007 with my husband, Trevor. I currently run a successful small home based business. We look forward to a bright future as we raise our 3 daughters here and call Utopia our home. I am nominating for council because I have a passion for and a vision to see the community thriving, living and working together in harmony. I appreciate the diversity of our region and see the need for supporting both industry and the environment. I value honesty, good communication and responsible financial management. If elected, I will take time to listen to the community and advocate for your needs and concerns.

I live in the Area
I am a member of the Human Rights Party of Australia (SA Division)
Contact Details: 1 Election St, Pinnaroo 5304
I have received an adverse finding from the Ombudsman, the District Court or Supreme Court

After the close of nominations

Declaration of nominations and ballot draw

As soon as reasonably practicable after 9 am on the day after close of nominations, the deputy returning officer will:

- publicly announce the names of candidates who have nominated
- declare elected any candidates where the number of nominations received does not exceed the number of vacancies
- conduct a draw by lot to determine the order of names of candidates on the ballot papers, when the number of nominations received exceeds the number of vacancies.

Insufficient nominations received

If insufficient, or no nominations are received to fill positions on council, the returning officer will consult with the relevant council and arrange for a supplementary election to be conducted.

Public notice of nominations received

The deputy returning officer will arrange for the publication of a notice stating:

- the names of
  - candidates and the vacancies for which they nominated
  - the names of any candidates elected unopposed
- dates for the mail-out of voting material
- postal voting procedures and the latest date for the return of completed voting material
- close of voting and scrutiny and count details.

Correspondence to candidates

The deputy returning officer will prepare and forward correspondence advising:

- if the number of candidates does not exceed the number of vacancies – that you have been elected
- if the number of candidates does exceed the number of vacancies -
  - the names of candidates
  - the order in which their names will appear on the ballot paper
  - postal voting procedures and voting material mail-out dates
  - scrutiny and count details
  - information relating to campaign donation disclosure requirements.

In addition, you will be forwarded:

- the LG9 - 'Legislative framework relating to illegal practices'
- a *scrutineer authority form (LG15)*.

These forms will also be available for download from ECSAs website.

Failure of an election

An election fails if, between the close of nominations and the close of voting:

- the election is to fill one vacancy – and a nominated candidate dies; or a nominated candidate becomes ineligible for election as a member of the council in accordance with *s17* of the *Local Government (Elections) Act 1999*
- the election is to fill multiple vacancies – and two or more candidates die or become ineligible to be a candidate for election as a member of the council in accordance with *s17* of the *Local Government (Elections) Act 1999*.

Campaigning by a candidate

You may campaign at any time, however when planning your campaign strategy and expenditure you may wish to consider:

- the possibility of being elected unopposed at the close of nominations
- the timetable for the mail-out of materials.

Furthermore, if you publicly announce your candidacy prior to lodging your nomination, then you should take note of this date (as it will affect the dates of your disclosure period when furnishing a disclosure return).

Obtaining a copy of the voters roll

To support the distribution of electoral material, candidates in contested elections are entitled to obtain a copy of the voters roll for the relevant area from the returning officer.

A copy of the voters roll may be requested from the returning officer at any time between the close of nominations and the close of voting. Candidates must use their login details to access the Client Portal and request a copy of the relevant voters roll. If you require assistance to obtain a copy of the voters roll, email ECSA at ecsa.nominations@sa.gov.au

Importantly, copies of the voters roll are only available to candidates in contested elections; and hence, will be provided after the declaration of nominations.

A person must not use a copy of the voters roll, or information contained in it, for any purpose other than distributing material intended to affect the result of a local government election or for a purpose related to the conduct of that election. Doing so is an offence.

Maximum penalty: $10 000

Information available to assist your campaign

Council offices have:

- information on the council area including boundaries
- a copy of the voters roll available for inspection
- information on existing council activities, services, and issues in the council area
- information regarding election signage permitted by council.

Publication of electoral material

Electoral material includes any advertisement, notice, statement, or representation that is intended, or likely, to influence the outcome of an election or poll.

A person must not publish, or cause electoral material to be published, unless it contains:

- the name and address of the person who authorised publication of the material; and
- for printed electoral material, the name and prescribed information of the printer or other person responsible for producing the material.

For printed electoral material, the prescribed information is:

- the physical address of the printer or other person responsible for producing the material; or
- if that person does not have a physical address, their email address or website address.

The address of the person authorising the material may be a business address or post office box, provided it is the address ordinarily used by that person.

Where electoral material is published as a letter to the editor in a newspaper, the material must include the name and address of the author. A post office box cannot be used for this purpose.

Candidates should ensure that all campaign material, whether printed or electronic, complies with the authorisation requirements of the LGEA before publication.

Further legislative framework regarding the publication of electoral material has been reproduced in Appendix A of this handbook.

Electoral material published on the internet

Electoral material published on the internet must be authorised. However, the authorisation does not need to appear within the material itself if the name and address of the person authorising publication are immediately accessible to viewers.

In the context of social media, any profile, page or group used for campaigning should include the required authorisation information in its "About" section.

Any photographs, videos or other electoral material published on social media should be appropriately authorised.

Comments and replies do not require a separate authorisation where the required authorisation appears in the "About" section of the relevant page or profile.

Publication of misleading material

Electoral material must not contain a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent. A person who authorises, causes or permits the publication of such material commits an offence.

Section 28 of the LGEA applies to material published by any means, including print, radio, television and online platforms.

The Electoral Commissioner may require a publisher to withdraw misleading material or publish a retraction. The Supreme Court may also make orders requiring the withdrawal of material or publication of a retraction.

Signage

Electoral advertising posters (including corflutes) relating to local government elections are prohibited on public roads, including structures, fixtures or vegetation on a public road, except in prescribed circumstances.

A breach of this provision is an offence carrying a maximum penalty of $5,000.

Caretaker policy

All councils must have a caretaker policy governing the conduct of council members and staff during the election period for a general election. The election period commences on the close of nominations, or an earlier date specified in the policy, and concludes at the end of the election.

The policy must prohibit the use of council resources, including offices, staff support, hospitality services, equipment and stationery, to advantage a particular candidate or group of candidates. However, a policy may permit the equal use of council resources by all candidates.

Illegal practices

Part 12 of the LGEA sets out a range of illegal practices, including:

Violence, intimidation, bribery or undue influence, including inducing a person to nominate, withdraw a nomination, vote in a particular way, or otherwise interfering with an election or poll.

- Dishonest artifices, including dishonestly exercising, attempting to exercise, influencing, or attempting to influence a vote or election result.
- Interference with statutory rights.
- Persons acting on behalf of candidates not assisting voters or collecting voting papers.
- Unlawful interference with computer programs or systems used for electoral purposes.
- Maintenance of order at and near certain places.
- Attempting by secret or dishonest means to determine how another person has voted.
- Offences relating to ballot papers and votes, including:

    - opening an envelope containing a vote without authority;
    - disclosing how another person voted where that information was obtained while assisting them to vote;
    - marking or writing on a ballot paper other than as authorised under the LGEA.
- Scrutineer offences, including interfering with or attempting to influence a person who is voting or proposing to vote.
- False or misleading statements in election documents.
- Public advocacy encouraging voting contrary to the LGEA.

In addition, a candidate, or a person acting on a candidate's behalf, must not assist a person voting at an election, and a scrutineer must not interfere with or attempt to influence a person voting or proposing to vote.

The relevant legislative provisions relating to electoral material, illegal practices, campaign donations and moveable signs are reproduced in Appendix A to this handbook.

Campaign donation returns

Part 14 of the LGEA establishes a framework for campaign donation transparency by requiring disclosure of gifts and donations, regulating donation returns, prohibiting certain gifts, and ensuring public access to information, supported by offences and enforcement mechanisms to maintain integrity in electoral financing.

Every candidate in a local government election is required to disclose certain gifts received during a defined pre-election period, known as the special disclosure period. It is designed to ensure transparency of campaign funding close to an election, when voters are most sensitive to influence.

Special return for gifts

Special disclosure period

Starts 4 months before the earlier of:

- The candidate announcing their intention to stand; or
- The candidate lodging their nomination; and
- Ends on polling day for the election.

Key obligations

- A candidate must lodge a special return with the returning officer if they receive a gift of $500 or more (unless an exemption applies) during the special disclosure period.
- The return must be lodged:
    - Within 5 days after announcing or nominating as a candidate if the gift was received earlier in the special disclosure period; or
    - Within 5 days of receiving the gift in all other cases.

Information that must be disclosed

The return must state:

- The value or amount of the gift; and
- The date the gift was made; and
- The identity of the giver, including special details if the gift was made:
    - On behalf of an unincorporated association; or
    - Through a trust or foundation (e.g., trustees and fund details).

Exemptions

A special return is not required for:

- A private gift made to the candidate; or
- A gift valued at less than $500.

Return for all gifts

Every candidate in a local government election is required to lodge a comprehensive gift return that covers the entire disclosure period, not just individual gifts received close to nomination or polling day. It operates in addition to the short–timeframe disclosures required during the special disclosure period.

Key obligations

- A candidate must lodge a gift return with the returning officer that reports all disclosable gifts received during the disclosure period, even if only one gift (or no gifts) was received.

What must be disclosed

The return must include:

- The total value of all gifts received;
- The number of people who made gifts;
- For each gift of $500 or more:
    - value or amount;
    - date it was made; and
    - name and address of the person who gave the gift, with extended disclosure requirements where the gift was made:
        - by an unincorporated association; or
        - through a trust or foundation (including trustee details).

Timing

- The return must be lodged within 7 days after the end of the disclosure period.
- The disclosure period:
    - Begins 4-months before the earlier of the candidate announcing their intention to run or lodging their nomination; and
    - Ends 21 days after polling day.

Exemptions

Details do not need to be included for:

- Private gifts; or
- Gifts valued at less than $500 (though gifts of less than $500 must still be included in the reported total value of all gifts and the number of persons who gave the gifts).

Nil return requirement

- Even if a candidate received no gifts requiring disclosure, they must still lodge a return, stating that no disclosable gifts were received.

Take care to study the table below to ensure that you understand if a return must be lodged, when it is lodged, and what dates are covered by the disclosure.

Return type	Required?	Disclosure period	Lodgement period
Special return	Only if a gift of over $500 is received	**Starting:** 4 months before (the earliest of either): - announcing candidacy - lodging a nomination **Ending:** The close of voting.	Within 5 days of receipt of the gift
Return for all gifts	Mandatory for all Candidates (even if 'nil return')	**Starting:** 4 months before (the earliest of either): - announcing candidacy - lodging a nomination **Ending:** 21 days after the close of voting.	21-28 days after polling day for the election.

Under South Australian local government election law, a "gift" is the legal term, and "donation" is the everyday word used to describe the same thing.

A *gift* is defined in the *Local Government (Elections) Act 1999* as:

- a disposition of property
- made by a person to another person (otherwise than by will)
- without consideration in money or money's worth or with inadequate consideration; and
- includes the provision of a service (other than volunteer labour) for no consideration or inadequate consideration.

Certain campaign arrangements or understandings

If two or more candidates in a council local government election enter into an arrangement or understanding—whether formal or informal, written or unwritten—to incur campaign expenditure, or to share, coordinate, or jointly benefit from campaign activities, electoral material, or gifts of money (including via a shared account), each candidate must give notice of the arrangement to the returning officer within 1 business day.

Failure to comply with disclosure requirements

It is an offence for a candidate to not furnish a return that is required under the LGEA.

- If a person who is required to lodge a return under the relevant Division does not do so within the required timeframe, the returning officer must notify them of that failure as soon as practicable.
- The notification must be provided by registered mail, ensuring formal notice of non-compliance.
- Importantly, failure to comply does not invalidate the election itself. The election result remains legally valid despite a disclosure breach.
- However, the Act notes that a serving council member's office may become vacant under the LGEA if they fail to submit a required return, meaning there may be serious personal consequences for non-compliance even though the election stands.

You are required to keep copies of records for four years. The Electoral Commissioner is required to publish all returns within prescribed times on a website maintained by the returning officer.

Please direct any queries in relation to returns to ECSA.

Feedback and complaints protocol

Purpose

ECSA manages feedback and complaints relating to local government elections in accordance with its Feedback and Complaints Policy available at:

https://ecsa.sa.gov.au/feedback-and-complaints

This protocol explains how feedback and complaints can be submitted to ECSA, how service complaints and complaints about alleged breaches of the LGEA will be assessed, and the service standards individuals and organisations can expect when engaging with ECSA.

For the purposes of this protocol:

- **Feedback** means comments, suggestions, compliments or concerns provided to ECSA that do not require a formal investigation or review.
- **Service complaint** means a complaint about ECSA's services, decisions, communication, staff conduct, processes or the administration of a local government election.
- **Electoral complaint** means an allegation that a provision of the LGEA has been breached.

Providing feedback

ECSA welcomes feedback about its services, processes, publications and the conduct of local government elections.

Feedback may include suggestions, compliments, observations or concerns that can help ECSA improve its services and election administration.

Feedback should be submitted through the ECSA Feedback Form.

ECSA will consider feedback and use it to support the continuous improvement of its services and election administration processes.

If feedback raises concerns about the quality of ECSA's services, the conduct of ECSA staff, the administration of an election, or an ECSA decision or process, the matter will be formalised as a service complaint using the ECSA Complaint Form before it can be assessed under this protocol.

If feedback includes allegations that a provision of the LGEA has been breached, the matter must be formalised as an electoral complaint using the ECSA Complaint Form before it can be assessed under this protocol.

Lodging a complaint

Any individual or organisation may lodge either:

- a service complaint relating to ECSA's services, processes, staff conduct or election administration; or
- an electoral complaint concerning an alleged breach of the LGEA.

Complaints must be submitted through the ECSA Complaint Form available on the ECSA website.

Information provided through correspondence, enquiries, discussions or the ECSA Feedback Form will not be treated as a formal complaint unless it is submitted using the ECSA Complaint Form.

Anonymous complaints will not be assessed.

To assist ECSA in considering a complaint, complainants should:

- clearly outline the facts forming the basis of the complaint;
- identify, where applicable, the legislative provision(s) believed to have been breached;
- provide supporting evidence, such as correspondence, photographs, screenshots, recordings or other relevant material; and

- include URLs and the date and time of publication where social media content is referenced.

An electoral complaint should clearly establish the facts relied upon and be supported by evidence of the alleged electoral offence.

ECSA cannot provide assessments or determinations regarding specific circumstances outside the formal complaints process.

For further information about the complaints process, contact the Complaints Team:

- Email: ecsa.complaints@sa.gov.au
- Phone: 1300 655 232

Consideration of complaints

Service complaints will be assessed and managed in accordance with ECSA's Feedback and Complaints Policy. ECSA will consider the issues raised and determine whether remedial action, an explanation, service improvement or another response is appropriate.

Electoral complaints will be considered by the Electoral Commissioner on their merits. The provision of relevant evidence is essential to enable proper assessment.

Following assessment of an electoral complaint, the Electoral Commissioner will determine whether the information provided indicates a potential breach of the LGEA.

If no apparent breach is identified, the complainant will be advised accordingly.

Where the Electoral Commissioner considers that a potential offence may have occurred, the person or organisation concerned may be contacted and given an opportunity to respond before any determination is made.

In considering an electoral complaint, the Electoral Commissioner may:

- determine the matter based on the information and evidence available;
- request further information from any party;
- seek withdrawal of offending material or retraction of statements;
- issue a warning;
- refer the matter for further investigation; or
- commence prosecution proceedings.

If a person or organisation is asked to provide information, they should do so within the specified timeframe. The Electoral Commissioner may consider the level of cooperation provided when determining an appropriate regulatory response.

If a service complaint is upheld, ECSA may take appropriate action. This may, include providing an explanation, taking corrective action, reviewing procedures, improving service delivery, or implementing other measures to help prevent the issue recurring.

ECSA will communicate the complaint outcome to the complainant, subject to any privacy, confidentiality, legislative or operational requirements. While ECSA will endeavour to provide meaningful information about the outcome of a complaint, it may not be able to disclose details relating to another person's affairs, an investigation, or enforcement action.

Confidential treatment of feedback and complaints

Personal information collected through feedback or complaints will be handled in accordance with relevant legislative and policy requirements.

ECSA manages feedback and complaints confidentially. Information may be disclosed only where necessary to assess, investigate or resolve a complaint or feedback matter, or where disclosure is required by law.

If parties to a complaint have publicly discussed the matter, the Electoral Commissioner may confirm that a complaint has been received but will not comment on its details.

ECSA may make public statements about complaints where necessary to ensure electors have accurate information or to protect the integrity of an election.

Timeframes

Where contact details are provided, ECSA will acknowledge formally lodged complaints within two business days of receipt.

ECSA will clearly explain its complaint handling process, expected timeframes and any relevant updates.

ECSA will aim to resolve complaints within five business days of acknowledgement.

If a matter cannot be resolved with this timeframe due to its complexity, ECSA will advise the complainant of the expected timeframe and provide progress updates where appropriate.

During election periods, strict statutory deadlines apply. Complaints about alleged electoral offences are prioritised and addressed as promptly as possible.

Some alleged offences, particularly those involving misleading electoral material, may affect the conduct of an election. In these circumstances, the Electoral Commissioner may seek the withdrawal or correction of offending material to minimise any impact on electors.

If offending material is not withdrawn or corrected voluntarily, the relevant legislation allows the Electoral Commissioner to seek orders from the Supreme Court.

The mail-out of voting material and close of voting

Voting packs

If an election is contested, the returning officer must between 21 and 28 days before polling day, issue voting material to every elector whose name appears on the voters roll.

Each voting pack will contain:

- a ballot paper for any contested election
- a brochure containing the profile for each candidate
- a postal voting guide
- a ballot paper envelope (bearing a flap that must be signed by the elector)
- a reply-paid envelope.

To be accepted, the declaration must be completed and signed by the elector or the designated person of a body corporate or group and received by the close of voting.

Assistance to voters - restrictions on candidates or persons acting on their behalf

Neither you, nor a person acting on your behalf, with your authority or not, nor a scrutineer, is allowed to:

- assist a person wishing to vote at an election or poll who has disability and is unable to vote
- assist a voter wishing to obtain, complete or return postal voting papers
- have in your possession or attempt to gain possession of postal voting papers except for ballot papers issued to you in your own right.

Close of voting

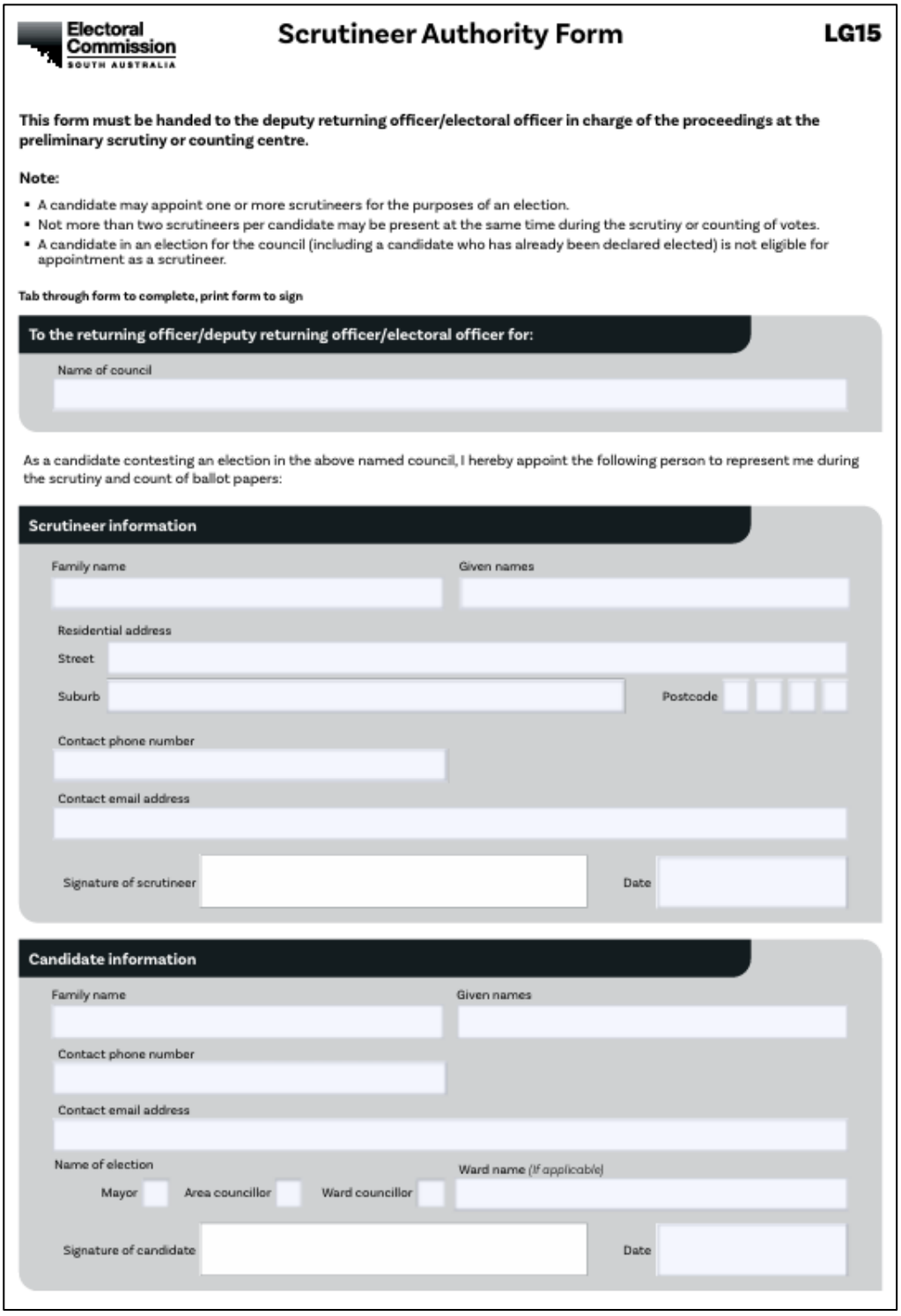
For these periodic elections, voting closes at 5pm on the third to last business day before the 2nd Saturday in April on the year of the election. Ballot paper envelopes will be processed ready for the scrutiny and count, which will commence at a time determined reasonable by the returning officer.

Supplementary elections close at 12 noon on polling day, and the count commences as soon as practicable after that time.

Scrutineers

You may appoint one or more scrutineers to observe the conduct of the election and the counting of votes. However, no more than two scrutineers per candidate are permitted in the place for the counting of votes, at the same time.

Your scrutineer must identify themselves to the electoral officer in charge of proceedings at the preliminary scrutiny or counting centre and provide a completed Scrutineer Authority Form, signed by you.



Electoral Commission SOUTH AUSTRALIA

Scrutineer Authority Form **LG15**

This form must be handed to the deputy returning officer/electoral officer in charge of the proceedings at the preliminary scrutiny or counting centre.

Note:

- A candidate may appoint one or more scrutineers for the purposes of an election.
- Not more than two scrutineers per candidate may be present at the same time during the scrutiny or counting of votes.
- A candidate in an election for the council (including a candidate who has already been declared elected) is not eligible for appointment as a scrutineer.

Tab through form to complete, print form to sign

To the returning officer/deputy returning officer/electoral officer for:

Name of council

As a candidate contesting an election in the above named council, I hereby appoint the following person to represent me during the scrutiny and count of ballot papers:

Scrutineer information

Family name | Given names

Residential address

Street

Suburb | Postcode

Contact phone number

Contact email address

Signature of scrutineer | Date

Candidate information

Family name | Given names

Contact phone number

Contact email address

Name of election

Mayor | Area councillor | Ward councillor | Ward name *(if applicable)*

Signature of candidate | Date

A form will be forwarded to you if the election for which you nominate is contested, and copies of the form are available on the ECSA website www.ecsa.sa.gov.au

You might wish to discuss the protocol for scrutineering, with your scrutineer/s before the scrutiny and count commences.

Protocol for scrutineering

1. **Purpose**

   This protocol is intended to guide:

   - Electoral officers in their dealings with scrutineers monitoring election processes;
   - Scrutineers in their role as a monitor of electoral proceedings.

2. **Role of a scrutineer**

   A scrutineer acts as an independent observer of electoral processes and does this, on behalf of a candidate, in order to verify that procedures undertaken by electoral officers are fair, proper, transparent and according to law. The intention is not to secure partisan advantage for a candidate.

3. **Appointment**

   - A scrutineer must have written authority to represent a candidate.
   - The authority must be in a format determined by the returning officer and be signed by the candidate.
   - Scrutineers must present themselves to the officer-in-charge with the signed authority on arrival at the scrutiny location.

4. **Expected behaviour**

   It is expected that electoral officers, where permissible, will make every attempt to allow scrutineers to monitor activities involving manual and/or computer aided processes for the issuing, scrutiny, rejection and counting of ballot material and votes.

   Scrutineers may verify that proper procedures are followed and challenge aspects of the voting and counting processes but must not be aware of any elector details or how an elector voted.

   Scrutineers **must** address all queries to the officer-in-charge. That person must consider any request to count more slowly or display details of a particular ballot paper in the light of consequences to the count being completed within acceptable timeframes.

5. **Unacceptable behaviour**

   Electoral officers should not hinder a scrutineer from legitimately and quietly observing electoral processes in the premises in which they are working. However, a person must not:

   - obstruct the access or approaches to a designated place for the scrutiny and counting of votes
   - obstruct or unnecessarily delay the proceedings at a designated place for the scrutiny and counting of votes
   - behave in a disorderly manner at or in the vicinity of a designated place for the scrutiny and counting of votes.

   An authorised officer may give such directions as are necessary to maintain order for the purposes of an election at or in the immediate vicinity of a designated place.

6. **Electoral offences**

   A person (including a scrutineer) who obstructs the order at a designated place or contravenes a direction from an authorised officer is guilty of an offence and may be removed from the designated place.

   A scrutineer, acting on behalf of a candidate, is prohibited from undertaking activities contrary to fair electoral practice eg bribery, intimidation etc. Prescribed offences are outlined in the *Local Government (Elections) Act* 1999 Part 12.

   Such offences can place democratic electoral processes at risk. The office will request in writing a report on any apparent breach under the Act and, subject to advice from the Crown Solicitor's Office, will address the matter through appropriate legal channels.

Note

- *you cannot act as a scrutineer if you are a candidate in any election for the council as at close of voting (even if you have already been declared elected)*
- *a scrutineer must not assist another person voting at an election or poll*
- *illegal practices that apply to you, the candidate, also apply to your scrutineers as they act on your behalf.*

The scrutiny

Preliminary scrutiny

Ballot paper envelopes received by the returning officer during the election are checked daily by electoral officers to determine whether they should be accepted for further scrutiny or rejected. This process is known as the preliminary scrutiny, and authorised scrutineers are entitled to observe.

Examples of rejected envelopes include where:

- the declaration is unsigned or signed by an unauthorised person
- the declaration flap is missing
- ballot papers are returned outside the ballot paper envelope
- the envelope is a duplicate of an envelope already received.

After preliminary scrutiny, all envelopes are stored securely until the scrutiny and count begins.

Scrutiny and count

Candidates will be advised of the time and location for the scrutiny and count, following the close of nominations.

Processes are as follows:

The declaration flaps on accepted ballot paper envelopes are removed and kept to one side. The envelopes are then randomly rearranged and opened. Any ballot papers removed should be for the council and the elections the elector was entitled to vote in.

If there are **more** ballot papers removed from an envelope than were mailed out or **different** ballot papers than what the voter was entitled to receive, they are placed back into the envelope. These envelopes are recorded as excluded upon opening and get stored with the rejected envelopes.

When all ballot papers have been extracted from the envelopes, the ballot papers are checked for formality. Informal ballot papers are set aside, and formal ballot papers are sorted according to 1st preference votes for each candidate and counted.

Where necessary, preferences are then distributed until the required number of candidates are elected.

The preference distribution for more complex counts will take place at a central count centre where all preferences from formal ballot papers will be data entered on approved count software. If you are a candidate in an election with a complex count, you will be advised of the scrutiny location.

When the required number of candidates have been elected, the deputy returning officer will provisionally declare the result/s and securely store all envelopes and ballot papers.

Ballot paper formality

Election of one candidate

To be formal, a ballot paper must have a single number 1, or a tick ✓ or cross × against one of the candidate's names and **may** have further consecutive numbers against the names of other candidates.

Election of more than one candidate

Consecutive preferences commencing with the number 1, or a ✓ or ×, must be indicated on the ballot paper for at least the number of candidates to be elected.

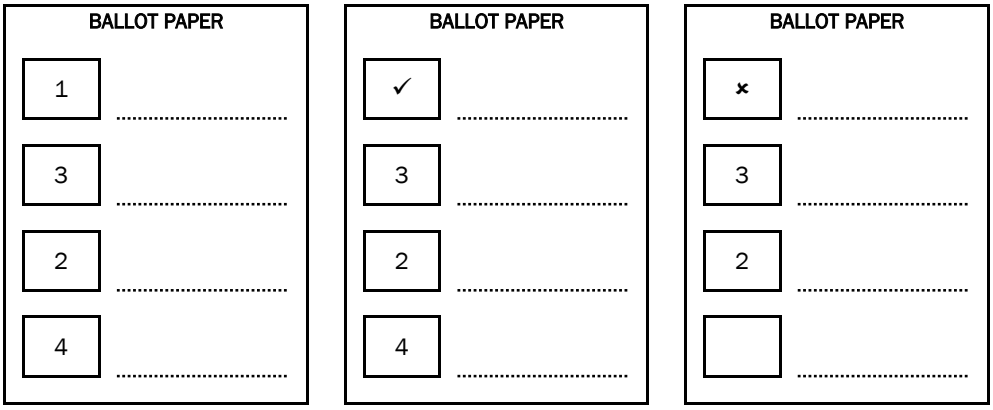
For example, if there are **4** vacancies, a ballot paper must contain the number **1**, or a ✓ or ×, against one candidate's name and at least the numbers **2**, **3** and **4** against the names of other candidates. Numbers up to 4 cannot be duplicated or omitted.

Note

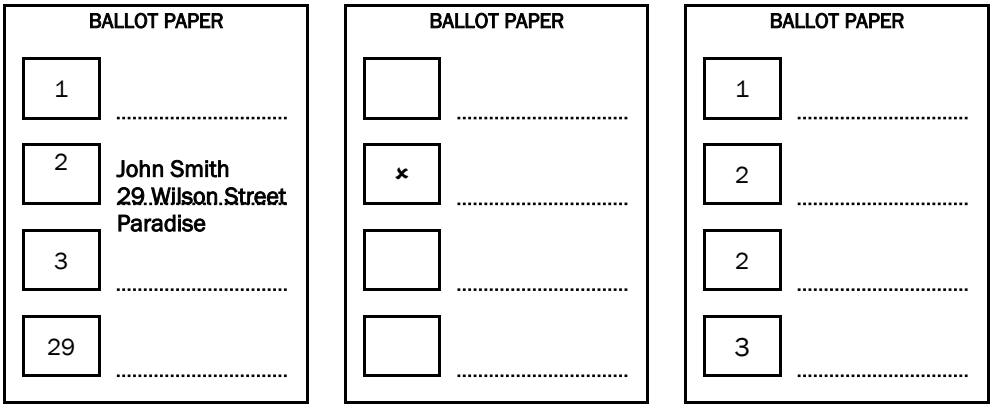
- a tick ✓ or cross × is equivalent to the number 1
- numbers outside the boxes next to names of candidates are acceptable providing the voter's intention is clear

- if the elector can be identified from the ballot paper (e.g. the elector's name is on the ballot paper) then the vote can still be formal
- a ballot paper is not informal if:
    - there is repetition or omission of a number **after** the number of candidates to be elected; however, the ballot paper is only considered formal up to the point at which the omission or repetition occurs.

Examples of formal ballot papers - 1 candidate to be elected

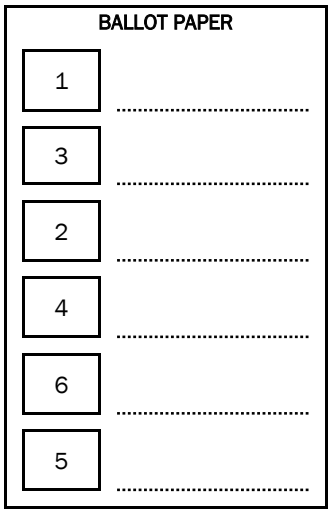


Number 1 or equivalent with further consecutive preferences against other candidates

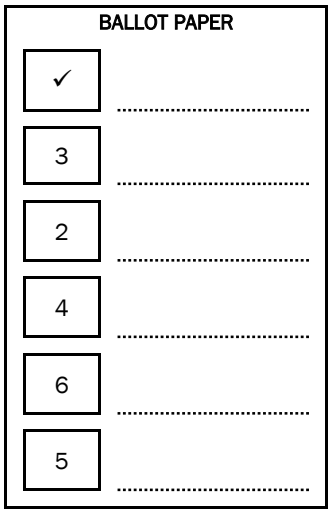


Elector identifiable, still formal | At least a 1st preference | At least a 1st preference

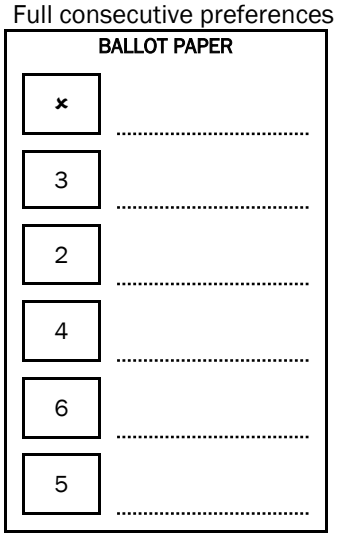
Examples of formal ballot papers - 3 candidates to be elected



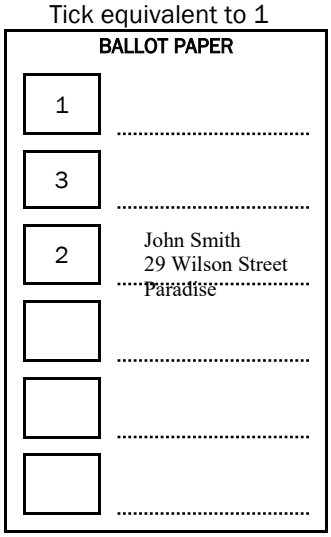
Full consecutive preferences



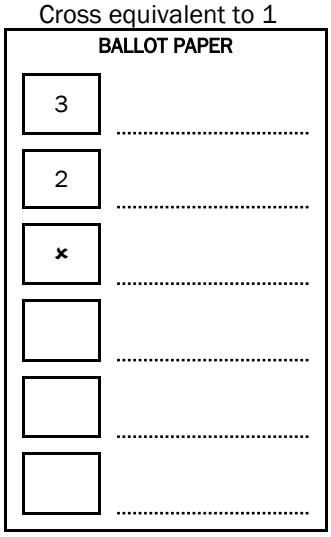
Tick equivalent to 1



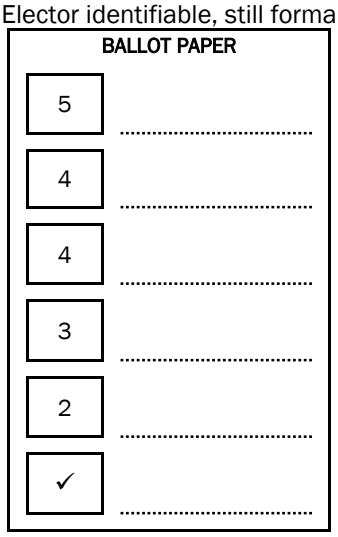
Cross equivalent to 1



Elector identifiable, still formal



Preferences consecutive to 3



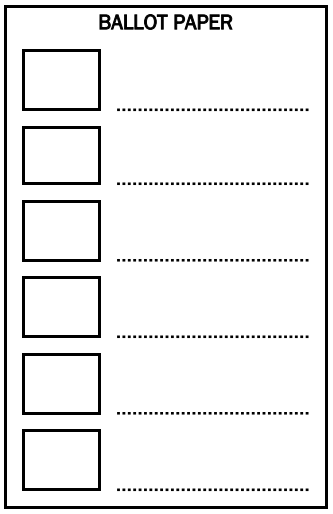
Preferences consecutive to 3

Ballot paper informality

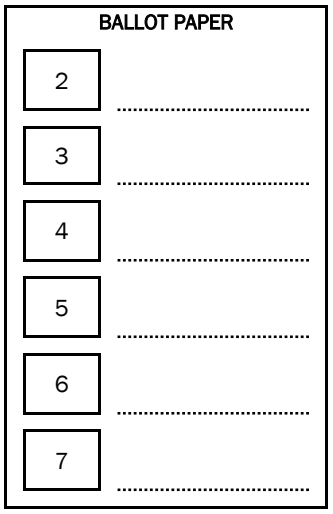
A ballot paper is **informal** if:

- a first preference is not indicated (i.e. the number 1, a ✓or a ✗ does not appear in or beside any square)
- a first preference (i.e. the number 1, a ✓or a ✗, or any combination of these) appears in or beside two or more squares
- in an election of more than one vacancy, there is repetition or omission of a number **before** the number of candidates to be elected.

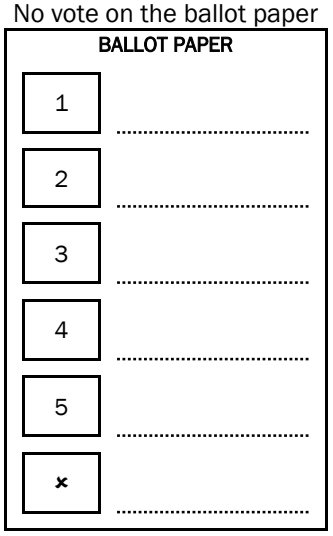
Examples of informal ballot papers

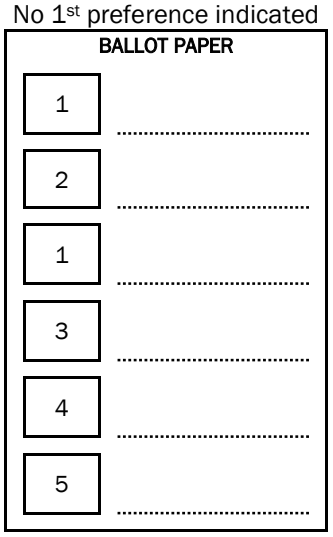


No vote on the ballot paper



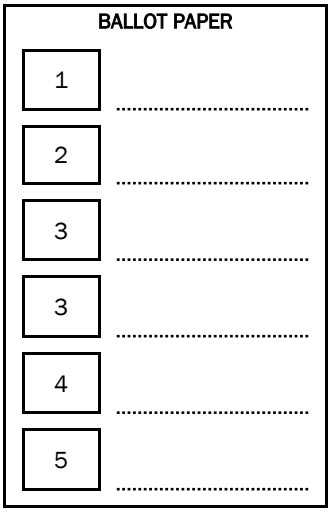
No 1st preference indicated



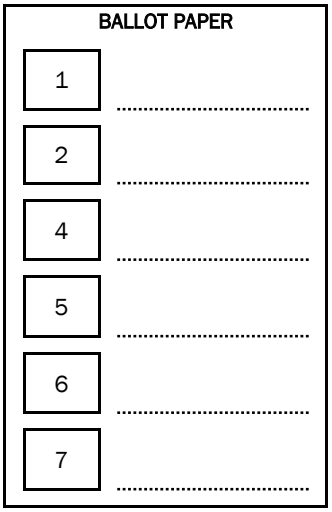


Duplicate 1st preferences

Informal – 3 candidates to be elected



Duplicated 3rd preference



Missing 3rd preference

Methods of vote counting

Like state and federal elections, council elections are conducted using two electoral systems:

- elections for one vacancy (e.g. mayoral elections and most supplementary elections) use a majority system known in Australia as preferential voting.
- elections for more than one vacancy use a proportional representation system known as Single Transferable Vote (STV-PR).

In both systems, voters mark their ballot paper by numbering candidates in order of preference. However, the counting methods are different.

An election for one vacancy

To be elected in an election for a single vacancy, a candidate will usually need an absolute majority of the formal votes cast (that is, more than 50% of the formal votes).

When first preference votes are counted, if a candidate has an absolute majority, they will be declared provisionally elected. If no candidate receives an absolute majority, the candidate with the fewest votes is excluded from the count. Their ballot papers are then distributed to the remaining candidates according to the next available preference shown on each ballot paper. This process continues until a candidate gains an absolute majority, or until only two candidates remain. If only two candidates remain, the candidate with the higher number of votes is provisionally elected.

Voters are not required to indicate a preference for every candidate, so some ballot papers may not show further preferences for candidates still in the count. These are known as *exhausted ballot papers* and can no longer be distributed. Exhausted ballot papers are removed from the count. As more ballot papers become exhausted, it becomes less likely that the winning candidate will achieve an absolute majority of all formal votes. However, the successful candidate will always have an absolute majority of the ballot papers that are not exhausted.

An election for multiple vacancies

To be elected in an election for multiple vacancies, a candidate will usually need to receive votes equal to or exceeding a minimum number of votes, known as the 'quota'.

The quota is calculated by dividing the total number of formal ballot papers by one more than the number of vacancies to be filled, adding one and disregarding any fractional remainder.

When first preference votes are counted, any candidate who received votes equal to or more than the quota is declared provisionally elected. If an elected candidate has received more votes than the quota, their surplus votes are transferred to the remaining candidates according to the next available preference shown on each ballot paper. These ballot papers are transferred at a fraction of their value (known as their 'transfer value'). As surplus votes are distributed, other candidates may also reach the quota and become provisionally elected.

If vacancies remain after all available surpluses have been transferred, the candidate with the fewest votes is excluded from the count. Their ballot papers are then distributed to the remaining candidates according to the next available preference shown on each ballot paper. An excluded candidate's first preference ballot papers are transferred at a value of 1. Any ballot papers they received during a previous surplus distribution are passed on at the same value at which they were received (that is, the original transfer value).

The process of distributing surplus votes and excluding candidates continues until all vacancies have been filled. However, if at any stage the number of continuing candidates is equal to the number of vacancies remaining, those candidates are declared provisionally elected. And if only two candidates remain for the last vacancy, the candidate with the highest number of votes is provisionally elected. In these scenarios, the elected candidates do not need to have reached the quota.

The counting process is facilitated by e-counting software which calculates the quota and transfer values and keeps a record of the votes, elections and exclusions. For more complex counts that are conducted at a central count centre, all preferences from ballot papers are data entered into the e-counting software before the count is carried out electronically.

The reports generated by the software provide a detailed breakdown of each stage of the count and will be published on the ECSA website (ecsa.sa.gov.au), together with a result summary and other key election data.

More information about counting

More in-depth explanations of the two counting methods, including flow charts, can be found on the ECSA website at: **ecsa.sa.gov.au/voting/counting-the-votes-for-council-elections**

Concluding the election

Provisional declaration

After the count has been completed, the deputy returning officer will make a provisional declaration of the results in the presence of any scrutineers (who may advise you of the count figures). You may also obtain information about the provisional declaration, including the time it was made, from the council.

Results

Elections results will be published on the ECSA website at: ecsa.sa.gov.au

Recounts

An unsuccessful candidate may request a recount within 72 hours of the provisional declaration.

The request must be made in writing to the returning officer and include information supporting the request. It may be submitted:

by email: ecsa.results@sa.gov.au

in person: Level 6, 60 Light Square, Adelaide SA 5000

The returning officer will assess the validity of the request and consider whether there is a prospect that a recount would alter the result of the election. The returning officer may order a recount or refuse the request if they consider it unreasonable.

The returning officer may also order a recount on their own initiative.

Candidates in an election where a recount is conducted will be given reasonable notice of the time and place of the recount, so they can arrange for scrutineers to be present.

Other points to note:

- a scrutineer cannot request a recount for an election
- a recount cannot proceed without the approval of the returning officer
- a recount will be conducted as soon as possible after the provisional declaration.

After conducting a recount, the returning officer will either confirm the provisional declaration or revoke it and make a final declaration in accordance with the recount result.

Final election procedures

The returning officer concludes the election process by:

- confirming any provisional declaration
- forwarding a return to the council CEO certifying the result of the election
- notifying candidates, in writing, of the result of the election
- giving public notice of the election result
- preparing and certifying a return detailing information about the election.

You are entitled to request a copy of this return, within three months of the election closing.

Court of Disputed Returns

The Court of Disputed Returns may hear a petition disputing the validity of an election. The Court is constituted of a District Court Judge and has considerable powers as set out in Part 13 of the *Local Government (Elections) Act 1999*.

A petition must be lodged with the clerk of the Court within 28 days after the conclusion of the election.

The Electoral Commissioner may petition the court to dispute the validity of an election on the grounds of errors in recording, scrutiny, counting or recounting of votes.

Appendix A - Legislative framework relating to electoral material, illegal practices, campaign donations and moveable signs

Extracts from *Local Government (Elections) Act 1999*

A. Electoral Material

27. Publication of electoral material

(1) A person must not publish electoral material or cause electoral material to be published unless the material contains—

(a) the name and address of the person who authorises publication of the material; and

(b) in the case of printed electoral material—the name and prescribed information of the printer or other person responsible for undertaking its production.

Maximum penalty: $2,500.

(1a) If—

(a) electoral material is published on the Internet; and

(b) the name and address of the person who authorises publication of the material is immediately accessible on the Internet by viewers of the material in accordance with any requirements prescribed by regulation,

that name and address need not be contained in the electoral material.

(2) If electoral material is published in a newspaper that has been published at intervals of one month or less over a period of at least six months immediately preceding the publication of the electoral material, the name and prescribed information of the printer need not be contained in the electoral material.

(3) If electoral material is published in a newspaper as a letter to the editor, it is an offence to publish the material without the name and address (not being a post box) of the writer of the letter.

Maximum penalty: $2,500.

(4) If electoral material is published on the Internet by a person other than the person who established or controls the Internet site or other platform (or the relevant part of it), the person who established or controls the Internet site or other platform (or the relevant part of it) is not taken to have published the material or caused the electoral material to be published unless that person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.

(5) In this section—

prescribed information means—

(a) if the printer or other person responsible for undertaking production of the printed electoral material has a physical address—that address; or

(b) if the printer or other person responsible for undertaking production of the printed electoral material does not have a physical address – the email address or website of the printer or other person.

28. Publication of misleading material

(1) If—

(a) electoral material contains a statement purporting to be a statement of fact; and

(b) the statement is inaccurate and misleading to a material extent,

a person who authorised, caused, or permitted the publication of the material (the publisher) is guilty of an offence.

Maximum penalty: $5,000.

(1a) A person (the ***relevant person***) is not taken to have authorised, caused or permitted the publication of electoral material if it is published by a person other than the relevant person on an Internet site or other platform established or controlled (or partly established or controlled) by the relevant person unless the relevant person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.

(2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove—

(a) that he or she took no part in determining the contents of the material; and

(b) that he or she could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.

(2a) If the Electoral Commissioner is satisfied that published electoral material 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 publisher to do 1 or more of the following:

(a) withdraw the material from further publication;

(b) publish a retraction in specified terms and a specified manner and form,

(and in proceedings for an offence against subsection (1) arising from the material, the publisher's response to a request under this subsection may be taken into account in assessing any penalty to which the publisher may be liable).

(2b) If the Supreme Court is satisfied beyond reasonable doubt on application by the Electoral Commissioner that published electoral material contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Court may order the publisher to do 1 or more of the following:
(a) withdraw the material from further publication;
(b) publish a retraction in specified terms and a specified manner and form.

(3) This section applies to material published by any means (including radio or television).

(4) No action under this section lies against the returning officer with respect to the publication of material provided to the returning officer by a candidate for election under section 19.

Illegal Practices

57. Violence, intimidation, bribery, etc.

(1) A person who exercises violence or intimidation, or offers or gives a bribe, with a view to—
(a) inducing a person to submit or withdraw candidature for election; or
(b) influencing the vote of a person at an election or poll; or
(c) otherwise interfering with the due course of an election or poll,

is guilty of an offence.

Maximum penalty: $10 000 or imprisonment for seven years.

(2) A person who receives a bribe offered in contravention of subsection (1) is guilty of an offence.

Maximum penalty: $10 000 or imprisonment for seven years.

(3) In this section—

bribe includes any pecuniary sum or material advantage including food, drink or entertainment where the value of the food, drink or entertainment is of or above $20 [or the prescribed value in the regulations].

58. Dishonest artifices

(1) A person who dishonestly exercises, or attempts to exercise, a vote at an election or poll to which that person is not entitled is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for one year.

(2) A person who dishonestly influences or attempts to influence the result of an election or poll is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for one year.

59. Interference with statutory rights

A person must not hinder or interfere with the free exercise or performance, by another person, of a right under this Act.

Maximum penalty: $5 000 or imprisonment for one year.

60. Exception

No declaration of public policy or promise of public action constitutes bribery or dishonest influence.

61. Persons acting on behalf of candidates not to assist voters or collect voting papers

(1) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not act as an assistant to a person voting at the election.

Maximum penalty: $5 000 or imprisonment for one year.

(2) A scrutineer must not act as an assistant to a person voting at an election or poll.

Maximum penalty: $5 000 or imprisonment for one year.

(3) Without limiting the generality of subsection (1) or (2), a person acts as an assistant by assisting another to obtain, complete or return postal voting papers.

(4) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not have in his or her possession, or attempt to gain possession of, postal voting papers for that election (except any such papers issued to the person as an elector in his or her own right).

Maximum penalty: $5 000 or imprisonment for one year.

62. Unlawful interference with computer programs

(1) A person must not, without lawful authority to do so, tamper or interfere with a computer program or system used by an electoral officer for the purposes of an election or poll under this Act.

Maximum penalty: $5 000 or imprisonment for one year.

(2) In proceedings for an offence against subsection (1), the prosecution need not prove the absence of lawful authority and the onus is on the defendant to prove any such authority on which he or she relies.

62A. Maintenance of order at and near certain places

(1) A person must not—

(a) obstruct the access or approaches to a designated place; or

(b) obstruct or unnecessarily delay the proceedings at a designated place; or

(c) behave in a disorderly manner at or in the immediate vicinity of a designated place.

Maximum penalty: $5 000.

(2) An authorised officer may give such directions as are necessary to maintain order for the purposes of an election at or in the immediate vicinity of a designated place.

(3) A person who contravenes a direction given under (2) is guilty of an offence.

Maximum penalty: $5 000.

(4) A person who contravenes subsection (1) or a direction given under subsection (2) (including a candidate or scrutineer) may be removed from a designated place and the immediate vicinity of the designated place by an authorised officer.

(5) A person who has been removed from a designated place and the immediate vicinity of the designated place by an authorised officer and who re-enters the designated place or its immediate vicinity without the permission of an authorised officer is guilty of a further offence.

Maximum penalty: $10 000 or imprisonment for one year.

(6) In this section—

authorised officer means—

(a) a police officer; or

(b) the Electoral Commissioner; or

(c) a person authorised by the Electoral Commissioner;

designated place means—

(a) a place at which the scrutiny of ballot papers is being, or is to be, conducted; or

(b) any other place designated by the Electoral Commissioner on a website maintained by the Electoral Commissioner.

63. Secrecy of vote

(1) A person must not, by clandestine or dishonest means, attempt to discover how another person has voted.

Maximum penalty: $1 250 or imprisonment for three months.

(2) No person may open an envelope under this Act containing a vote except the returning officer, or an electoral officer acting with the authority of the returning officer.

Maximum penalty: $750.

(3) A person who acquires knowledge of the vote of another person through assisting the other person to vote, or otherwise in the exercise of powers or functions under this Act, must not divulge that knowledge.

Maximum penalty: $2 500 or imprisonment for six months.

64. Unlawful declaration or marking of ballot papers

(1) A person must not make a statement in a claim, application, return or declaration, or in answer to a question, under this Act that is, to the person's knowledge, false or misleading in a material respect.

Maximum penalty: $5 000 or imprisonment for one year.

(2) Except as authorised by this Act, a person (not being a person to whom the ballot paper has been lawfully issued) must not mark a vote, or make any other mark or writing on a ballot paper.

Maximum penalty: $2 500 or imprisonment for six months.

65. Conduct of officers

An electoral officer must not fail, without proper excuse, to carry out his or her official duties in connection with the conduct of an election or poll.

Maximum penalty: $2 500 or imprisonment for six months.

66. Conduct of scrutineers

(1) A scrutineer must not interfere with or attempt to influence a person voting or proposing to vote at an election or poll.

Maximum penalty: $5 000 or imprisonment for one year.

(2) If a candidate appoints more than one scrutineer, not more than two of them may be present in the place for the counting of votes at the same time during the counting of votes.

66A. Prohibition of advocacy of forms of voting inconsistent with the Act

(1) A person must not publicly advocate that an elector should mark a ballot paper otherwise than in the manner set out in section 45(1) or 46(1).

Maximum penalty: $2 500.

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

Maximum penalty: $2 500.

B. Campaign Donations

Part 14 – Campaign Donations

Division 1 - Returns

80. Preliminary

(1) For the purposes of this Part—

(a) 2 or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period (within the meaning of section 81A) or special disclosure period (within the meaning of section 81) are to be treated as 1 gift; and

(b) a gift made to a candidate is a ***private gift*** if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(2) A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

81. Special return for gifts during certain period

(1) If a candidate for election to an office of a council receives a gift from a person during the special disclosure period, the candidate must furnish a return to the returning officer in accordance with the requirements of this Part.

(2) A return under subsection (1) must be furnished by a candidate—

(a) in the case of a gift received during the special disclosure period before the candidate announced that they would be a candidate in the election or nominated as a candidate (as the case may be)—within 5 days after the announcement or nomination (as the case requires); or

(b) in any other case- within 5 days of receipt of the gift.

(3) A return under subsection (1) must set out—

(a) the amount or value of the gift; and

(b) the date on which the gift was made; and

(c) —

(i) if the gift was made on behalf of the members of an unincorporated association—

(A) the name of the association; and

(B) the names and addresses of the members of the executive committee (however described) of the association; or

(ii) if the gift was purportedly made out of a trust fund or out of the funds of a foundation—

(A) the names and addresses of the trustees of the fund or of the funds of the foundation; and

(B) the title or other description of the trust fund or the name of the foundation, as the case requires; or

(iii) in any other case—the name and address of the person who made the gift.

(4) A return under subsection (1) is not required in respect of—

(a) a private gift made to the candidate; or

(b) a gift if the amount or value of the gift is less than $500.

(5) In this section—

special disclosure period, in relation to a candidate in an election, means the period—

(a) commencing on the earlier of the following:

(i) the day that is 4 months before the day on which the person announced that they would be a candidate in the election;

(ii) the day that is 4 months before the day on which the person's nomination as a candidate was lodged with the returning officer; and

(b) ending on polling day for the election.

81A. Returns for all gifts received during the disclosure period

(1) A candidate for election to an office of a council must furnish a return to the returning officer in accordance with the requirements of this Part setting out—

(a) the total amount or value of all gifts received by the candidate during the disclosure period; and
(b) the number of person who made those gifts; and
(c) the amount or value of each gift; and
(d) the date on which each gift was made; and
(e) in the case of each gift made on behalf of the members of an unincorporated association—
(i) the name of the association; and
(ii) the names and addresses of the member of the executive committee (however described); and
(f) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation—
(i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
(ii) the titles or other description of the trust fund or the name of the foundation, as the case requires; and
(g) in the case of each other gift—the name and address of the person who made the gift.

(2) A return under subsection (1) must be furnished by a candidate within 7 days after the end of the disclosure period to which the return relates.

(3) A return under subsection (1) need not set out any details required by that subsection in respect of—
(a) a private gift made to the candidate; or
(b) a gift if the amount or value of the gift is less than $500.

(4) If no details are required to be included in a return under this section for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

(5) In this section—

disclosure period, in relation to a candidate in an election, means the period—

(a) commencing on the earlier of the following:
(i) the day that is 4 months before the day on which the person announced that they would be a candidate in the election;
(ii) the day that is 4 months before the day on which the person's nomination as a candidate was lodged with the returning officer; and
(b) ending 21 days after polling day for the election.

81B. Certain campaign arrangement or understandings to be disclosed

(1) If 2 or more candidates in an election or elections in the area of a council enter into an arrangement or understanding to do either or both of the following:
(a) to incur expenditure jointly on electoral material relating to the election or elections;
(b) to keep gifts or money received in relation to the election or elections in the same account,

each candidate must, within 1 business day of entering into the arrangement or understanding, give notice of it the returning officer.

(2) A notice under subsection (1) must state the names of the candidates who have entered into the arrangement or understanding and comply with any requirements of the returning officer.

(3) The returning officer must, as soon as is reasonably practicable after receiving a notice under subsection (1), ensure that the notice is published in a prominent location on a website determined by the returning officer until 30 days after polling day for the relevant election or elections.

82. Certain gifts not to be received

(1) It is unlawful for a member of a council to receive a gift made to or for the benefit of the member the amount or value of which is not less than $500 unless—
(a) the name and address of the person making the gift are known to the member; or
(b) at the time when the gift is made, the person making the gift gives to the member his or her name and address and the member has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(2) It is unlawful for a candidate in an election or a person acting on behalf of a candidate in an election to receive a gift made to or for the benefit of the candidate the amount or value of which is not less than $500 unless—
(a) the name and address of the person making the gift are known to the person receiving the gift; or
(b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(3) For the purposes of this section—
(a) a reference to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association;
(b) a reference to the name and address of a person making a gift is—
(i) in the case of a gift made on behalf of the members of an unincorporated association—a reference to—
(A) the name of the association; and

(B) the names and addresses of the members of the executive committee (however described) of the association; and

(ii) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to—

(A) the names and addresses of the trustees of the fund or of the funds of the foundation; and

(B) the title or other description of the trust fund or the name of the foundation, as the case requires;

(c) a person who is a candidate in an election is to be taken to remain a candidate for 30 days after the polling day for the election;

(d) a reference to a candidate in an election includes a reference to a person who is already a member of the council.

(4) If a person receives a gift that, by virtue of this section, it is unlawful for the person to receive, an amount equal to the amount or value of the gift is payable by that person to the Crown and may be recovered by the Crown as a debt by action, in a court of competent jurisdiction, against the person.

83. Inability to complete return

If a person who is required to furnish a return under this Division considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—

(a) prepare the return to the extent that it is possible to do so without those particulars; and

(b) furnish the return so prepared; and

(c) give to the returning officer notice in writing—

(i) identifying the return; and

(ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and

(iii) identifying those particulars; and

(iv) setting out the reasons why he or she is unable to obtain those particulars; and

(v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person,

and a person who complies with this section is not, by reason of the omission of those particulars, to be taken, for the purposes of this Division, to have furnished a return that is incomplete.

84. Amendment of return

(1) A person who has furnished a return under this Division may request the permission of the returning officer to make a specified amendment of the return for the purpose of correcting an error or omission.

(2) A request under subsection (1) must—

(a) be by notice in writing signed by the person making the request; and

(b) be lodged with the returning officer.

(3) If—

(a) a request has been made under subsection (1); and

(b) the returning officer is satisfied that there is an error in, or omission from, the return to which the request relates,

the returning officer must amend the return or permit the person making the request to amend the return, in accordance with the request.

(4) The amendment of a return under this section does not affect the liability of a person to be convicted of an offence arising out of the furnishing of the return.

85. Offences

(1) A person who fails to furnish a return that the person is required to furnish under this Division within the time required by this Division is guilty of an offence.

Maximum penalty: $10,000.

(2) A person who furnishes a return or other information—

(a) that the person is required to furnish under this Division; and

(b) that contains a statement that is, to the knowledge of the person, false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: $10,000.

(3) A person who furnishes to another person who is required to furnish a return under this Division information—

(a) that the person knows is required for the purposes of that return; and

(b) that is, to that person's knowledge, false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: $10,000.

(4) An allegation in a complaint that a specified person had not furnished a return of a specified kind as at a specified date will be taken to have been proved in the absence of proof to the contrary.

86. Failure to comply with Division

(1) If a person who is required to furnish a return under section 81A fails to submit the return within the time required by that section, the returning officer must as soon as practicable notify the person of that fact.

(2) A notification under subsection (1) must be given by letter sent to the person by registered mail.

(2a) If a notification under subsection (1) is sent to a member of a council and the return to which the notification relates has not been furnished to the returning officer within 1 month after the time within which it was required to be furnished under this Division, the returning officer must send a copy of the notification the chief executive officer of the council (in such manner as the returning officer thinks fit).

(3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election.

Division 2 - Public access to information

87. Public inspection of returns

(1) The returning officer must keep at their principal office each return furnished to the returning officer under Division 1.

(2) The returning officer must—

(a) in the case of a return under section 81—within 5 days after the return is received by the returning officer; and

(b) in the case of a return under section 81A—within 8 weeks after the return is received by the returning officer,

make a copy of each return available on a website maintained by the returning officer.

(5) The returning officer is only required to keep a return under this section for a period of 4 years following the election to which the return relates.

88. Restrictions on publication

(1) A person must not publish—

(a) information derived from a return under Division 1 unless the information constitutes a fair and accurate summary of the information contained in the return and is published in the public interest; or

(b) comment on the facts set forth in a return under Division 1 unless the comment is fair and published in the public interest and without malice.

(2) If information or comment is published by a person in contravention of subsection (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: $10,000.

Division 3 – Related Matters

89. Requirement to keep proper records

(1) A person must take reasonable steps to keep in his or her possession all records relevant to completing a return under this Part.

Maximum penalty: $5,000.

(2) A person must keep a record under subsection (1) for at least 4 years after the date on which the relevant return is required to be furnished to the returning officer of the council under this Part.

Maximum penalty: $5,000.

90. Related matters

(1) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money is, if the regulations so provide, to be determined in accordance with principles set out or referred to in the regulations.

(2) For the purposes of this Part—

(a) a body corporate and any other body corporate that is related to the first-mentioned body corporate is to be taken to be the same person; and

(b) the question whether a body corporate is related to another body corporate is to be determined in the same manner as under the *Corporations Law*.

(3) For the purposes of this Part, an act performed by a person or committee appointed or formed to assist the campaign of a candidate in an election will be taken to be an act performed by the candidate.

Extract from Local Government Act 1999

C. Moveable Signs

226. Moveable Signs

(1) Subject to this section, a person may place and maintain a moveable sign on a road without an authorisation or permit under this Part if (and only if)—
  (a) the design and structure of the sign complies with the requirements of the council's by-laws; and
  (b) the sign is placed in a position that complies with the requirements of the council's by-laws; and
  (c) any other relevant requirements of the council's by-laws are complied with; and
  (d) the sign does not unreasonably—
    (i) restrict the use of the road; or
    (ii) endanger the safety of members of the public.

(2) However, a by-law cannot be made with the effect of prohibiting the placement of a moveable sign on a part of a road (other than a carriageway) unless the prohibition is reasonably necessary—
  (a) to protect public safety; or
  (b) to protect or enhance the amenity of a particular locality.

(2a) A person must not exhibit an electoral advertising poster relating to an election held under this Act or the *Local Government (Elections) Act 1999*, on a public road (including any structure, fixture, or vegetation on a public road), except in circumstances prescribed by the regulations.

Maximum penalty: $5,000.

(2b) Subsection (2a) does not apply to the exhibition of—
  (a) a local electoral poster by a person holding the local electoral poster (either directly in their hands or by holding an implement or device to which the poster is attached); or
  (b) a local electoral poster that—
    (i) is not attached to building, hoarding or other structure or fixture on a public road or road-related area; and
    (ii) is exhibited at, or in the vicinity of, a place at which a designated event or activity is being held; and
    (iii) is exhibited immediately before, during or immediately after the designated event or activity, provided that the local electoral poster is not exhibited at, or in the vicinity of, the place for more than 6 hours; or
  (c) a local electoral poster—
    (i) of a kind prescribed by the regulation; or
    (ii) in circumstances prescribed by regulation.

(3) A person may place and maintain a moveable sign on a road without an authorisation or permit under this Part and without reliance on subsection (1) if—
  (a) the sign is placed there pursuant to an authorisation under another Act; or
  (b) the sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
  (c) the sign is related to a State or Commonwealth election and is displayed during the period commencing at 5pm on the day before the day of the issue of the writ or writs for the election and ending at the close of polls on polling day; or
  (d) the sign is of a prescribed class.

(4) No action lies against a council or an officer or employee of a council for injury, damage or loss resulting from the placement of a moveable sign on a road unless the council itself or some person acting on behalf of the council placed the sign on the road.

(5) In this section—

electoral advertising poster means a poster displaying electoral advertising made of—
  (a) corflute; or
  (b) plastic; or
  (c) any other material, or kind of material, prescribed by the regulations.

Appendix B - Requirements for candidate profiles under the *Local Government (Elections) Regulations 2025*

Part 2—Elections and polls

6—Manner in which nominations are made

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

(2) For the purposes of section 19(2)(b) of the Act, the following requirements are prescribed with respect to a profile:
- (a) the profile must be in typed or printed form;
- (b) the profile must not, subject to subregulation (2a), exceed 1 000 characters;
- (c) the profile must be accurate and must not—
  - (i) be misleading; or
  - (ii) contain offensive or obscene material; or
  - (iii) refer to another person who has nominated as a candidate for election to the council (whether at the same election or any other election to be held on the same day) without the written consent of that person; or
  - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
- (d) the profile must contain contact details of the candidate being—
  - (i) an address (not being a post office box); or
  - (ii) an email address; or
  - (iii) a telephone number;
- (e) the profile must contain a statement as to whether the candidate lives in the area or ward of the council in which the candidate is nominating for election;
- (f) the profile must contain the following information:
  - (i) whether the candidate is, at the time of their nomination, or was, at any time in the 12 months preceding their nomination, a member of a registered political party (within the meaning of the *Electoral Act 1985*);
  - (ii) if the candidate is or was a member of a registered political party in accordance with subparagraph (i)—
    - (A) the name of the party; and
    - (B) when the candidate ceased to be a member of the party (if relevant).

(3) The contact details, statement and information provided under subregulation (2)(d), (e) and (f) (respectively) are excluded from the 1000 character limit imposed by subregulation (2)(b) and the operation of subregulation (4).

(4) Subject to subregulation (3), if—
- (a) a profile submitted with a nomination form exceeds 1 000 characters; and
- (b) the candidate has not reduced the size of the profile to 1 000 characters or less by the close of nominations,

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

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

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

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

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

(9) For the purposes of section 19(3) of the Act, the following requirements are prescribed with respect to a photograph provided with a profile:
- (a) unless otherwise approved by the returning officer, the photograph must be the same size as an Australian passport photograph;
- (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
- (c) the photograph must have been taken within the preceding period of 12 months;
- (d) the photograph must, in a manner determined by the Electoral Commissioner, be endorsed by the candidate to the effect that the photograph is a photograph of the candidate that has been taken within the preceding 12 months.

(10) In this regulation—

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

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

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

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

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

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

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

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

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

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

(b) in the case of an order made by the Ombudsman—

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

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

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

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

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

Glossary of electoral terms

Acts
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999 & Regulations*.

Area Councillor A person elected to represent electors across the whole of the council area, rather than a particular ward.

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

Body corporate An entity legally incorporated in a corporation e.g. company, incorporated association, co-operative, trade union, friendly society or other like incorporated body; excludes partnerships, private trusts or unincorporated bodies.

Bribe Any monetary sum or gift, including food, drink and entertainment given or promised for corrupt behaviour, where the value of the food, drink or entertainment is of or above the prescribed value. The prescribed value is $20.

Candidate A person who has nominated for the position of either mayor or councillor. Eligibility criteria for candidates are set out in the *Local Government (Elections) Act 1999*.

Chief Executive Officer (CEO) The chief executive officer of a council has a specific electoral function to perform for certifying the voters roll.

Close of voters roll The closing time for enrolment and enrolment changes.

Close of voting (see Polling Day)

Council An area constituted under the *Local Government Act 1999*.

Councillor A person elected to represent a council ward or area.

Crown Entities (State only) Includes State government departments, agencies subject to ministerial direction and other government instrumentalities.

Court of Disputed Returns	Any candidate or elector may petition the Court of Disputed Returns. The Electoral Commissioner may also petition the court to dispute the validity of an election on the grounds of errors in recording, scrutiny, counting or recounting of votes. The Court has the jurisdiction to hear and determine any petition addressed to it disputing the validity of an election under the Act. The procedure and powers of the Court are the same as those of the District Court when exercising its civil jurisdiction.
Deputy returning officer	A person appointed by the Electoral Commissioner to manage certain delegated election responsibilities.
Designated person	A natural person of or above 18 years of age who is an officer of a body corporate or a member of group and is authorised by the body corporate or group to vote on its behalf.
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'.
Elector	A person, body corporate or group of persons enrolled on the voters roll for a council.
Electoral Commission SA (ECSA)	The Electoral Commission of South Australia (ECSA) is an independent agency that provides electoral services and enables eligible electors to participate in the democratic process. The Electoral Commissioner is the chief executive of ECSA and is the returning officer for all local government elections. ECSA staff assist the Electoral Commissioner in the discharge of statutory duties.
Electoral Commissioner	The person responsible for the administration of local government and state parliamentary electoral legislation in South Australia. The Electoral Commissioner is appointed as the returning officer for each council.
Electoral material	An advertisement, notice, statement or representation calculated to affect the result of an election or poll.
Electoral material authorisation	Electoral material must contain the name and address of the person authorising publication and, in the case of printed material, the name and address of the printer or person responsible.
Electoral offence	Any action which breaches electoral law as specified by the *Local Government (Elections) Act 1999.*
Electoral officer	A person appointed as an electoral officer under the *Local Government (Elections) Act 1999* and includes the returning officer, deputy returning officer and other persons appointed to assist in election conduct.

Formal ballot paper	One candidate to be elected: a ballot paper is formal if the number 1 appears opposite the name of one candidate. More than one candidate to be elected: a ballot paper is formal if, commencing with the number 1, the numbers opposite the names of other candidates are consecutive up to at least the number of candidates required to be elected (i.e. if three candidates are to be elected, the numbers 1, 2 and 3 must appear). A tick ✓ or cross ✗ appearing beside a candidate's name on a ballot paper is equivalent to the number 1.
Gift	Money, donations, property and services (other than voluntary labour) provided to another person.
Group	Consists of natural persons or bodies corporate or a combination of both.
Illegal practice	An offence under Part 7 and Part 12 of the *Local Government (Elections) Act 1999*. The legislative framework outlining illegal practices is forward by the deputy returning officer to candidates, within 16 days of the close of nominations.
Informal ballot paper	A ballot paper which does not comply with the formality rules governing the election and cannot therefore be accepted into the count.
Nomination	The completion and lodgement of a nomination form, which must contain a declaration of eligibility by the candidate, and a candidate's profile. A photograph of the candidate (black & white or colour) is optional.
Officer of a body corporate	Director, manager, secretary, public officer or person taking part in the management of affairs of the body corporate.
Poll	In accordance with the *Local Government (Elections) Act* 1999, a vote conducted by the returning officer on behalf of a council to determine public opinion on a matter.
Polling day	The closing time for the receipt of returned voting material.
Provisional declaration of the result	A public announcement by the deputy returning officer of the names of candidates provisionally elected after the conclusion of counting.
Provisional enrolment	A natural person is entitled to be on the voters roll because they are enrolled on the House of Assembly roll as a provisional elector, and who may vote if they turn 18 years of age on or before the close of voting.
Public notice	A notice placed in the *Government Gazette* and in a newspaper circulating in the council area. All statutory election notices are public notices except for the notice relating to the use of postal voting.
Ratepayer	A person appearing in the council assessment record as the owner or occupier of rateable property.
Recounts	An unsuccessful candidate may request a recount within 72 hours of a provisional declaration by writing to the returning officer. The returning officer will then decide if a recount is required. In addition, the returning officer may initiate a recount during the 72-hour period.
Regulations	Regulations under the *Local Government (Elections) Act 1999*.

Return for all gifts A return which must be completed by all candidates and lodged with the returning officer within the prescribed period. The return must document the gifts received by the candidate during the disclosure period. A return must be lodged, even if the candidate did not receive any gifts.

Returning officer The Electoral Commissioner is the returning officer for each council.

Roll (see Voters Roll)

Scrutineer A person appointed in writing, by a candidate, to represent the candidate at the scrutiny and count of ballot papers. A candidate may appoint a number of scrutineers but no more than two of them may be present at the scrutiny and count at the same time. A scrutineer may also be appointed for a poll.

Special return for gifts If a candidate receives a gift or gifts from the same donor in excess of the prescribed amount of $500, they must lodge a special gift return with the returning officer within 5 days of receiving the gift.

Voters roll The voters roll is a combined list of House of Assembly electors and council records containing details of natural persons, bodies corporate and groups who have made application for enrolment. Except for House of Assembly electors, the roll expires on 1 January of each election year, and electors must renew their enrolment.

Voting material (see Voting Pack)
Materials required for an election. Includes ballot paper/s, ballot paper envelopes, postal voting guide, candidate profiles, declarations by persons voting or claiming to vote, applications for voting papers and records relating to their issue; voters rolls.

Voting pack Voting material mailed to each eligible elector containing:

- a ballot paper for each contested election
- a profile for each of the candidates
- a ballot paper envelope (with attached declaration flap)
- a postal voting guide
- a reply-paid envelope to contain the voter's completed ballot material.

Ward A division of a council area.

Withdrawal of nomination A nominated candidate, or a body corporate or group of persons who have nominated a candidate may, by notice to the returning officer, withdraw the nomination at any time before the close of nominations.

Notes



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