

South Australia

Electoral Regulations 2009

under the *Electoral Act 1985*

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Schedule 1—Forms

Legislative history

1—Short title

These regulations may be cited as the *Electoral Regulations 2009*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Electoral Act 1985*.

4—Forms

- (1) The forms in Schedule 1 are prescribed for use for the purposes indicated in the form.
- (2) For the purposes of Legislative Council elections—
 - (a) Form 1 must be used where there are 20 or less groups of candidates and individual candidates to be printed on the ballot paper; and
 - (b) Form 1A must be used where there are more than 20 groups of candidates and individual candidates to be printed on the ballot paper.

5—Prescribed authorities (section 27A)

- (1) For the purposes of section 27A(1) of the Act, the following are prescribed authorities:
 - (a) the Commissioner of Police;
 - (b) the Sheriff, deputy sheriffs and sheriff's officers;
 - (c) the Chief Executive of the administrative unit that is, under the relevant Minister, responsible for the administration of the *Health Care Act 2008*;
 - (d) the South Australian Superannuation Board;
 - (e) Central Northern Adelaide Health Service Incorporated;
 - (f) the Independent Commissioner Against Corruption;
 - (g) the Office for Public Integrity.
- (2) For the purposes of section 27A(2) of the Act, the following are persons of a prescribed class:
 - (a) a member of either of the Houses of Parliament;
 - (b) a nominated candidate for an election;
 - (c) the registered officer of a registered political party.

5A—Registration of political parties—nomination of party entitled to rely on person (section 36)

- (1) For the purposes of section 36(4)(a) of the Act, the Electoral Commissioner must give a person relied on by 2 or more political parties an opportunity to nominate the party entitled to rely on the person by giving the person a notice advising the person that—
 - (a) the person is being relied on by 2 or more parties for the purposes of Part 6 of the Act; and
 - (b) the Act prevents the person from being so relied on; and

- (c) the person may nominate the party entitled to rely on the person for the purposes of Part 6 of the Act; and
 - (d) the nomination must be in writing and sent to the Electoral Commissioner; and
 - (e) if no such nomination is received by the Electoral Commissioner within 28 days of the date of the notice, the person is not entitled to be relied on by any of the parties.
- (2) For the purposes of section 36(4)(b) of the Act, the Electoral Commissioner must give a party an opportunity to change a person or persons on whom it relies by giving the registered officer of the party a notice advising the registered officer that—
- (a) the registration of the party is liable to be cancelled because of the provisions of section 36; and
 - (b) the party may change the person or persons on whom it relies—
 - (i) in the case of a party that is not a parliamentary party—by providing to the Electoral Commissioner—
 - (A) the name and address of the person, or names and addresses of the persons, on whom the party proposes to rely in place of the person or persons on whom the party may no longer rely as a result of the operation of section 36; and
 - (B) a declaration or declarations of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the person or persons referred to in subparagraph (A) (on whom the party proposes to rely); or
 - (ii) in the case of a parliamentary party—by providing to the Electoral Commissioner—
 - (A) the name and address of the member on whom the party proposes to rely in place of the person on whom the party may no longer rely as a result of the operation of section 36; and
 - (B) a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the member referred to in subparagraph (A); and
 - (c) details to be provided under paragraph (b) must be in writing and sent to the Electoral Commissioner; and
 - (d) details to be provided under paragraph (b) must be received by the Electoral Commissioner within 28 days of the date of the notice.

**5B—Registration of political parties—annual returns and other inquiries
(section 43A)**

- (1) For the purposes of section 43A(1) of the Act, the prescribed form for an annual return is set out in Form A1 in Schedule 1.

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

5C—Prescribed persons (section 46B)

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

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

6—Deposit to be paid on nomination (sections 53 and 53A)

For the purposes of section 53(2)(b) and 53A(2)(b) of the Act, the prescribed amount of the deposit to be paid in respect of each candidate on nominating for election is—

- (a) in the case of a candidate nominating for election as a member of the House of Assembly—\$3 000; or
- (b) in the case of a candidate nominating for election as a member of the Legislative Council—\$3 000.

7—Procedure for lots (sections 59, 60, 92, 93, 95 and 96)

- (1) A lot to determine—
- (a) the order of the groups referred to in section 59(1)(b) of the Act; and
 - (ab) the order of the groups referred to in section 59(1)(ba) of the Act; and
 - (b) the order of the names of the candidates referred to in section 59(1)(c) of the Act; and
 - (c) the order of the names of the candidates referred to in section 60(a) of the Act,

must be carried out by the Electoral Commissioner in the manner described in subregulations (4) to (7) (inclusive) as soon as practicable after the hour of nomination.

- (2) A lot must be carried out, subject to any necessary modifications, in the manner described in subregulations (4) to (7) (inclusive) to determine any of the following matters:
 - (a) a determination in respect of the marking of a ballot paper in relation to a Legislative Council election required by section 92(3)(d)(i) of the Act;
 - (b) a determination in respect of the marking of a ballot paper in relation to a House of Assembly election required by section 93(3)(d)(i) of the Act.
- (3) If a returning officer is required to make—
 - (a) a determination under section 95(19), (21) or (23) of the Act relating to the scrutiny of votes in a Legislative Council election; or
 - (b) a decision under section 96(6) of the Act relating to the scrutiny of votes in a House of Assembly election,the returning officer may make the determination or decision (as the case requires) by lot to be carried out, subject to any necessary modifications, in the manner described in subregulations (4) to (7) (inclusive).
- (4) The procedure to be followed in conducting a lot is as follows:
 - (a) each group or name (as the case may be) must be written on a piece of paper using a separate piece of paper for each group or name;
 - (b) each separate piece of paper must be placed into a separate envelope and if it is necessary to fold the piece of paper to make it fit into the envelope, each piece of paper must be folded in the same manner so as to make it the same size and thickness;
 - (c) after a piece of paper has been placed in an envelope it must be sealed;
 - (d) all the envelopes must be placed into a container and shuffled;
 - (e) after the envelopes have been shuffled, the Electoral Commissioner or the returning officer (as the case may be) must draw them, 1 at a time, from the container.
- (5) For the purposes of subregulation (4), each separate piece of paper must be of the same kind, shape, size and colour and each envelope into which such paper is placed must be opaque and of the same kind, shape, size and colour.
- (6) The order in which an envelope is drawn from the container determines the order of the group or the names of the candidates (as the case may be), the first to be drawn being the first in the order, and so on, until the order has been determined, the last to be drawn being the last in the order.
- (7) Each of the procedures set out in subregulation (4) must be carried out in the presence of an officer and any candidate or representative of a candidate who chooses to be present.

8—Photographs of candidates (section 64)

For the purposes of section 64(3)(b) of the Act, the requirements with which a candidate's photograph must comply are that it must—

- (a) be in black and white; and
- (b) be a full-faced vertical portrait of the candidate's head and shoulders; and
- (c) be at least 15 cm in length and at least 10 cm in width; and
- (d) have written on the reverse side the full name of the candidate and a statement signed by the candidate to the effect that the photograph was taken within 12 months before being submitted.

9—How-to-vote cards (section 66)

- (1) For the purposes of section 66(2) of the Act, a how-to-vote card submitted for inclusion in posters under section 66(1)(a) of the Act—
 - (a) must—
 - (i) if a candidate is contesting a seat in the Legislative Council—be no larger than 65 mm in length and 145 mm in width; and
 - (ii) if a candidate is contesting a seat in the House of Assembly—be no larger than 150 mm in length and 90 mm in width; and
 - (iii) contain the following information:
 - (A) the words "how-to-vote";
 - (B) the name of the candidate, group of candidates or all candidates;
 - (C) the name and address of the person who authorised the card;
 - (D) if the card is to be distributed in printed form—the name and address of the printer;
 - (E) if a candidate is contesting a seat in the House of Assembly—the name of the district being contested;
 - (F) in the case of a House of Assembly election—
 - immediately before the surname of all candidates contesting the election, figures surrounded by a square indicating the order of preference the candidate recommends for each candidate; or
 - if the candidate to whom the how-to-vote card relates has lodged a voting ticket under section 63 of the Act, immediately before the surname of that candidate, a figure "1" surrounded by a square, together with a statement to the effect that the elector must express a preference for all other candidates as the elector sees fit;
 - (G) in the case of a Legislative Council election—

- immediately before the surname of all candidates whose names appear on the how-to-vote card, figures surrounded by a square indicating the order of preference the candidate or group of candidates recommends for each of those candidates, together with a statement to the effect that an elector must express a preference for all other candidates; or
 - if a group of candidates contesting the election has lodged a voting ticket under section 63 of the Act, a figure "1" in a voting ticket square, together with a statement to the effect that if there is an expression of a preference in that square there is no necessity for an elector to express a preference for all the candidates; or
 - if a candidate or group of candidates contesting the election chooses to print the names of all candidates on the card, a statement directing the voter to express a preference for all the candidates; and
- (b) may contain the following information:
- (i) the name of the registered political party (or composite name if there is more than one such party) supporting the candidate or group of candidates;
 - (ii) in relation to a candidate or group of candidates, the description "Independent" or such description followed by not more than 3 words; and
- (c) may be submitted in electronic form.
- (2) If in the opinion of the Electoral Commissioner it is necessary to do so, the Electoral Commissioner may, when preparing a poster for display in a polling booth, proportionally reduce the size of each how-to-vote card submitted for inclusion in the poster.
- (3) Except for the matters referred to in subregulation (1), no other matter may be contained on or otherwise appear on the card.

10—Applications for voting papers (section 73)

- (1) For the purposes of section 73(2) of the Act, a person may make a written application for the issue of voting papers by completing and signing—
- (a) Form 3, 4, 5 or 6 in Schedule 1 (whichever is appropriate in the circumstances); or
 - (b) an application containing the information that would have been required to complete Form 3, 4, 5 or 6 in Schedule 1 (whichever is appropriate in the circumstances).
- (2) An oral application may not be made until the day after the nomination day.

11—Prescribed mark (sections 73 and 94)

For the purposes of section 73(3)(b) and 94(1)(a) of the Act, the prescribed mark is—

- (a) a water mark containing a circle within which the letters "SA" are intertwined; or
- (b) circles within which the letters "SA" are intertwined printed on the ballot paper.

12—Prescribed manner for issue or dispatch of declaration voting papers (section 74)

For the purposes of section 74(2a)(b), each of the following is prescribed as a manner in which declaration voting papers may be issued or dispatched:

- (a) by hand delivery by an officer;
- (b) by courier engaged by an officer.

13—Prescribed period (section 85)

For the purposes of section 85(3) of the Act, the prescribed period is 90 days.

14—Prescribed class of articles (section 112)

For the purposes of section 112(2)(b) of the Act, an electoral advertisement consisting of a letter or leaflet that carries the signature and the name and the address (not being a post office box) of its author and is not printed—

- (a) by a person who carries on the business of printing or a business a significant part of which involves printing; or
- (b) by or on behalf of a person who publishes a newspaper, magazine, periodical or similar publication,

is a prescribed class of articles.

15—Prescribed requirements for how-to-vote cards (section 112A)

- (1) For the purposes of section 112A(1)(b) of the Act, the information referred to in subparagraphs (i) and (ii) of that paragraph must be printed on the how-to-vote card in readily legible type that is—
 - (a) in the case of a card that is A6 size or smaller—not smaller than Arial font 10 points; or
 - (b) in the case of a card that is larger than A6 size but smaller than A3 size—not smaller than Arial font 14 points; or
 - (c) in the case of a card that is larger than A3 size—not smaller than Arial font 20 points.
- (2) For the purposes of subregulation (1), the comparison between the size of a how-to-vote card and a standard paper size mentioned in that subsection is to be done by comparing the area of the how-to-vote card with the area of the standard paper size (regardless of the shape of the how-to-vote card).

- (3) For the purposes of section 112A(2)(a) and (b) of the Act, a how-to-vote card lodged under that subsection—
- (a) may be lodged in electronic form; and
 - (b) must contain the following information:
 - (i) the words "how-to-vote";
 - (ii) if the how-to-vote card is lodged by or on behalf of a candidate or group of candidates—the name of the candidate, group of candidates or all candidates;
 - (iii) the name and address of the person who authorised the card;
 - (iv) if the card is to be distributed in printed form—the name and address of the printer;
 - (v) if a candidate is contesting a seat in the House of Assembly—the name of the district being contested;
 - (vi) in the case of a House of Assembly election—
 - (A) immediately before the surname of all candidates contesting the election, figures surrounded by a square indicating the order of preference the candidate recommends for each candidate; or
 - (B) if the how-to-vote card relates to a candidate for whom a voting ticket has been lodged under section 63 of the Act and is identical to a card submitted by or for the candidate under section 66 of the Act, immediately before the surname of that candidate, a figure "1" surrounded by a square, together with a statement to the effect that the elector must express a preference for all other candidates as the elector sees fit;
 - (vii) in the case of a Legislative Council election—
 - (A) immediately before the surname of all candidates whose names appear on the how-to-vote card, figures surrounded by a square indicating the order of preference the candidate or group of candidates recommends for each of those candidates, together with a statement to the effect that an elector must express a preference for all other candidates; or
 - (B) if a group of candidates contesting the election has lodged a voting ticket under section 63 of the Act, a figure "1" in a voting ticket square, together with a statement to the effect that if there is an expression of a preference in that square there is no necessity for an elector to express a preference for all the candidates; or
 - (C) if a candidate or group of candidates contesting the election chooses to print the names of all candidates on the card, a statement directing the voter to express a preference for all the candidates.

16—Prescribed circumstances (section 115)

For the purposes of section 115(3)(c) of the Act, the following circumstances are prescribed in relation to the exhibition of electoral advertisements:

- (a) the exhibition of electoral advertisements that are, in accordance with section 115(2) of the Act, to be taken to be a single electoral advertisement if all the advertisements that are taken to form the single advertisement are exhibited in such a position that they are at an angle of not less than 270° to each other;
- (b) the exhibition of an electoral advertisement at, or in the vicinity of, a place at which a press conference, meeting, campaign launching, campaign rally, fete, dinner, garden party, ball, barbecue or other gathering is held is the exhibition of an electoral advertisement in circumstances of a prescribed kind if—
 - (i) the gathering is organised by, on behalf of or for a registered political party or a candidate at a Legislative Council election or a House of Assembly election; and
 - (ii) the exhibition of the advertisement—
 - (A) occurs immediately before, during or immediately after the gathering; and
 - (B) for a period or periods the combined length of which does not exceed 24 hours.

17—Prescribed classes of material (section 116)

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

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

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

18—Interpretation—definition of auditor (section 130A)

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

18A—Interpretation—definition of political expenditure (section 130A)

- (1) For the purposes of paragraph (e) of the definition of *political expenditure* in section 130A(1) of the Act, political expenditure includes expenditure incurred for the following purposes:
 - (a) the production, display and distribution of electoral matter;
 - (b) stationery for use in the production of electoral matter;
 - (c) postage of electoral matter;
 - (d) mobile telephones used by a candidate or prescribed staff primarily for election campaign purposes;

- (e) employing or engaging a person as prescribed staff under a contract, agreement or other arrangement entered into during the capped expenditure period;
 - (f) office accommodation and associated expenditure for a candidate in an election or for prescribed staff, other than office accommodation and associated expenditure in relation to an office that is the headquarters of a registered political party.
- (2) Despite paragraph (e) of subregulation (1)—
- (a) political expenditure does not include expenditure incurred for the purpose of employing or engaging a replacement for prescribed staff employed or engaged before the commencement of the capped expenditure period; and
 - (b) if prescribed staff employed or engaged before the commencement of the capped expenditure period undertake additional hours of work during the capped expenditure period, political expenditure does not include expenditure incurred on remuneration paid to staff for the additional hours of work.
- (3) For the purposes of paragraph (j) of the definition of *political expenditure* in section 130A(1) of the Act, political expenditure does not include expenditure of the following kinds:
- (a) expenditure incurred in employing or engaging—
 - (i) an auditor required for the purposes of the Act; or
 - (ii) any other person for the purpose of ensuring compliance with the Act;
 - (b) expenditure incurred on holding a meeting or advertising for the purposes of selecting or nominating a candidate in an election;
 - (c) expenditure incurred by a registered political party or an organisation for the purpose of holding a meeting relating to the general administration of that party or organisation (including the expenditure incurred in advertising such a meeting);
 - (d) expenditure incurred on the following:
 - (i) motor vehicles and motor vehicle accessories;
 - (ii) maintaining or running a motor vehicle;
 - (iii) insuring or registering a motor vehicle;
 - (iv) televisions and television equipment;
 - (v) radios and radio equipment;
 - (vi) electronic devices or equipment for recording sound or visual images;
 - (vii) photographic equipment;
 - (viii) purchasing computer software, hardware and accessories;
 - (ix) purchasing office furniture and equipment;
 - (x) food and drink;

- (xi) travel undertaken by a candidate in an election or prescribed staff, and associated accommodation.

(4) In this regulation—

associated expenditure, in relation to office accommodation, includes expenditure on the following:

- (a) rental payments (including on property and office equipment);
- (b) mortgage and related interest payments;
- (c) utilities such as gas, water and electricity, telephone and Internet;

motor vehicle has the same meaning as in the *Motor Vehicles Act 1959*;

prescribed staff means a person employed or engaged under a contract, agreement or other arrangement—

- (a) as election campaign staff; or
- (b) to promote, or assist in the promotion of, a registered political party, candidate or group in an election; or
- (c) to undertake research relating to a matter in an election.

19—Principles for determining amount or value of gifts other than money (section 130A)

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

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

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

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

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

21—Special assistance funding for political parties—nomination of party entitled to rely on person (section 130T)

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

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

21A—Amount of half yearly entitlement of special assistance funding (section 130U)

- (1) For the purposes of section 130U(2)(a) of the Act, an amount of \$35 000 (indexed) is prescribed.
- (2) For the purposes of section 130U(2)(b) of the Act, an amount of \$60 000 (indexed) is prescribed.

22—Returns—prescribed details (sections 130ZF, 130ZG, 130ZH and 130ZI)

- (1) For the purposes of sections 130ZF(3) and 130ZH(4) of the Act, the prescribed details that must be included in a return are the amount or value of each gift or loan received, the date on which each gift or loan was received and the details set out in subregulation (4).
- (2) For the purposes of section 130ZG(5) of the Act—
 - (a) the prescribed details that must be included in a return relating to a gift or loan of a kind referred to in section 130ZG(3)(a) of the Act are the name and address of the candidate, member of the group, person or body (as the case requires) to whom the gift or loan was made and the details set out in subregulation (4); and
 - (b) the prescribed details that must be included in a return relating to a gift or loan of a kind referred to in section 130ZG(3)(b) of the Act are the details set out in subregulation (4).
- (3) For the purposes of section 130ZI(1)(d) of the Act, the prescribed details that must be included in a return are the details set out in subregulation (4).
- (4) For the purposes of this regulation, the prescribed details in relation to each gift or loan are as follows:
 - (a) in the case of a gift or loan made—

- (i) on behalf of the members of an incorporated or unincorporated association—
 - (A) the name and address of the association; and
 - (B) the names of the members of the executive committee (however described) of the association; and
 - (ii) out of a trust fund or out of the funds of a foundation—
 - (A) the names of the trustees of the fund or of the funds of the foundation; and
 - (B) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
 - (iii) by or on behalf of a body corporate—
 - (A) the name and address of the body corporate; and
 - (B) the names of the members of the board of the body corporate; and
 - (C) the name of any parent, subsidiary or related body corporate of the body corporate; and
 - (iv) in any other case—the name and address of the person who made the gift or loan;
- (b) in the case of a gift or loan received—
- (i) from an incorporated or unincorporated association (on behalf of its members)—
 - (A) the name and address of the association; and
 - (B) the names of the members of the executive committee (however described) of the association; and
 - (ii) from a trust fund or the funds of a foundation—
 - (A) the names of the trustees of the fund or of the funds of the foundation; and
 - (B) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
 - (iii) from a body corporate—
 - (A) the name and address of the body corporate; and
 - (B) the names of the members of the board of the body corporate; and
 - (C) the name of any parent, subsidiary or related body corporate of the body corporate; and
 - (iv) in any other case—the name and address of the person from whom the gift or loan was received.

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

22A—Returns—additional information (sections 130ZG and 130ZH)

- (1) In accordance with section 130ZZH(2)(a) of the Act, a return required to be furnished to the Electoral Commissioner under section 130ZG or 130ZH of the Act must indicate whether or not—
- (a) the person by whom or on whose behalf the return is furnished; and
 - (b) each person who made a gift or loan (other than a loan made by an ADI) required to be disclosed by the person referred to in paragraph (a) in the return—
 - (i) that enabled that person to make a gift or loan set out in the return; or
 - (ii) that reimbursed that person for making such a gift or loan,
- is a foreign person, and, if they are, the foreign country or countries in respect of which the person is a foreign person.
- (2) In addition, the return must, in respect of—
- (a) the person by whom or on whose behalf the return is furnished, if that person is a natural person; and
 - (b) each natural person within the ambit of subregulation (1)(b),
- include the following information:
- (c) whether or not the person is an elector;
 - (d) if the person is not an elector—whether or not the person is an Australian citizen;
 - (e) if the person is not an Australian citizen—the name of the foreign country or countries of which the person is a citizen;
 - (f) if the person is an Australian citizen and also a citizen of a foreign country—the foreign country or countries of which the person is also a citizen.
- (3) In this regulation—
- foreign country*** has the same meaning as in the *Acts Interpretation Act 1901* of the Commonwealth;
- foreign person*** has the same meaning as in the *Foreign Acquisitions and Takeovers Act 1975* of the Commonwealth.

23—Returns by registered political parties or third parties—prescribed particulars (sections 130ZN and 130ZP)

- (1) For the purposes of sections 130ZN(2)(b) and (d) and 130ZP(1)(b) and (d) of the Act, the prescribed particulars that must be included in a return are the amount received or the sum owed, the date on which the amount was received or the debt was incurred and—
 - (a) in the case of an amount received from, or a sum owed to, an incorporated or unincorporated association (on behalf of its members)—
 - (i) the name and address of the association; and
 - (ii) the names of the members of the executive committee (however described) of the association; and
 - (b) in the case of an amount received from, or a sum owed to, a trust fund or the funds of a foundation—
 - (i) the names of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title (or other description) and address of the trust fund or the name of the foundation, as the case requires; and
 - (c) in the case of an amount received from, or a sum owed to, a body corporate—
 - (i) the name and address of the body corporate; and
 - (ii) the names of the members of the board of the body corporate; and
 - (iii) the name of any parent, subsidiary or related body corporate of the body corporate; and
 - (d) in any other case—the name and address of the person from whom the amount was received, or to whom the amount is owed (as the case requires).
- (2) However, a return to which this regulation applies need not include particulars of the names of—
 - (a) the members of the executive committee of an incorporated association or the board of a body corporate; or
 - (b) any parent, subsidiary or related body corporate of a body corporate,if those particulars are contained in a publication that is generally available to be inspected by members of the public and the return identifies the publication and specifies a website address at which it may be accessed or inspected.

23A—Returns by associated entities (section 130ZO and 130ZZH)

- (1) In accordance with section 130ZZH(3) of the Act, the information to be provided in a return under section 130ZO of the Act is reduced such that an associated entity return need only set out—
 - (a) the information required under section 130ZO(1)(a) of the Act; and

- (b) the prescribed details set out in subregulation (2) in relation to each gift or loan of more than \$5 000 (indexed) received by, or on behalf of, the entity from a person or organisation since the last associated entity return was furnished or, if no previous associated entity return has been furnished, since Part 13A of the Act first applied to the entity.
- (2) For the purposes of this regulation, the prescribed details are as follows:
- (a) the amount or value of each gift or loan received and the date on which each gift or loan was received;
 - (b) in the case of a gift or loan received—
 - (i) from an incorporated or unincorporated association (on behalf of its members)—
 - (A) the name and address of the association; and
 - (B) the names of the members of the executive committee (however described) of the association; and
 - (ii) from a trust fund or the funds of a foundation—
 - (A) the names of the trustees of the fund or of the funds of the foundation; and
 - (B) the title (or other description) and address of the trust fund or the name and address of the foundation, as the case requires; and
 - (iii) from a body corporate—
 - (A) the name and address of the body corporate; and
 - (B) the names of the members of the board of the body corporate; and
 - (C) the name of any parent, subsidiary or related body corporate of the body corporate; and
 - (iv) in any other case—the name and address of the person from whom the gift or loan was received.
- (3) However, an associated entity return need not include details of the names of—
- (a) the members of the executive committee of an incorporated association or the board of a body corporate; or
 - (b) any parent, subsidiary or related body corporate of a body corporate,
- if those details are contained in a publication that is generally available to be inspected by members of the public and the return identifies the publication and specifies a website address at which it may be accessed or inspected.

24—Public inspection of returns—prescribed period (section 130ZY)

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

25—Agent of party to notify Electoral Commissioner of disendorsement of candidate (section 139)

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

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

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

- (a) section 130A applies as if the following subsection was inserted after subsection (8):
 - (9) For the purposes of this Part, if a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed—
 - (a) prescribed party expenditure and prescribed candidate expenditure (both within the meaning of section 130Z(3e)) will not be regarded as political expenditure of the party; and
 - (b) prescribed candidate expenditure (within the meaning of section 130Z(3e)) will not be regarded as political expenditure of the candidate.;
- (b) section 130I applies as if the following subsection was inserted after subsection (3):
 - (4) If a candidate endorsed by a registered political party in relation to an election ceases to be so endorsed, the agent's appointment as agent of the candidate is taken to be revoked on the date of the disendorsement.
- (c) the application of section 130Y(5) extends to any candidate who ceases to be endorsed by a registered political party in relation to an election (not merely a candidate who is a member of Parliament or is a member of a group a member of which is a member of Parliament);
- (d) section 130Z applies as if the following subsections were inserted after subsection (3):

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

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

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

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

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

27—Transitional provision—returns under Part 13A (section 139)

In accordance with section 139(2)(h) of the Act, nothing in Part 13A of the Act is to be taken to require a return under that Part to set out details relating to any period before 1 July 2015.

Schedule 1—Forms

Form A1—Form of annual return

Name of party:

Registered officer—


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

For the purposes of demonstrating the party's continued eligibility for registration under Part 6 of the *Electoral Act 1985*, I attach the documents required under regulation 5B(2) of the *Electoral Regulations 2009*.

Signature:

Date:

Form 2

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

- (a) Insert here name of District
 (b) Insert here number of candidates
 (c) Insert here name of candidate
 (d) If to be printed, Insert here:
- the registered name or abbreviation of the political party; or
 - the composite name or composite abbreviation of two registered political parties; or
 - the description 'Independent'; or
 - the description 'Independent' followed by not more than 3 additional words.

Form 3

Declaration Vote Envelope 1					
Roll Number					
Name of District					
1. Elector Details - Please print firmly					
Surname					
Given Names					
Residential Address for which you claim to be enrolled					
Date of Birth	Day	Month	Year		
2. Elector Declaration					
I declare that I:					
<ul style="list-style-type: none"> • am entitled to a declaration vote; • have not already voted in this election/referendum; and • completed my ballot papers and this declaration before 6pm (South Australian time) on polling day. 					
Reason for applying for a Declaration Vote					
<input type="checkbox"/>	Unenrolled - My name, as a result of an official error, does not appear on the certified list of electors for the district.				
Signature or Mark of Elector					
3. Authorised Witness to Complete - Only if elector is voting by post					
Surname					
Given Names					
Address					
I certify that the elector signed/marked this declaration in my presence before 6pm (South Australian time) on polling day.					
Signature of Authorised Witness			Date / /		
4. Issuing Officer to Complete					
I certify that the elector is entitled to receive declaration voting papers for this election/referendum.					
Date of election/referendum	/ /				
Name of issuing office or declared institution					
Signature of Issuing Officer			Date / /		

Form 4

Declaration Vote Envelope 2					
Roll Number					
Name of District					
1. Elector Details - Please print firmly					
Surname					
Given Names					
Residential Address for which you claim to be enrolled					
Date of Birth	Day	Month	Year		
Former surname if changed since you last enrolled					
2. Elector Declaration					
I declare that I have not previously voted in this election/referendum and am entitled to a declaration vote because:					
	Absent	<input type="checkbox"/>	I choose to attend a polling booth outside my enrolled district		
✓ Tick one box	Unenrolled	<input type="checkbox"/>	My name, as a result of an official error, does not appear on the certified list of electors for the district		
	Already Voted?	<input type="checkbox"/>	I appear, as a result of an error, to have already voted in this election/referendum		
	Suppressed Address	<input type="checkbox"/>	My address has been suppressed from publication		
Signature or Mark of Elector					
3. Issuing Officer to Complete					
I certify that the elector is entitled to receive declaration voting papers for this election/referendum.					
Date of election/referendum	/ /				
Polling Place					
Issuing Officer's Signature					

Form 5

<p>1. Elector Details</p> <p>Elector Number DISTRICT Issue Date Issue Reason Election Date Date of Birth Elector Name & Enrolled Address</p> <p>BARCODE Elector Name Street Address 1 Street Address 2 Suburb</p>	<p>2. Elector Declaration</p> <p>I declare that I:</p> <ul style="list-style-type: none"> • am entitled to a declaration vote; • have not already voted in this election/referendum; • confirm my personal details on this declaration vote envelope are correct; and • completed my ballot papers and this declaration before 6pm (South Australian time) on polling day (penalties apply see overleaf) <p style="text-align: center;">Signature or Mark of Elector</p>											
	<p>3. Authorised Witness to Complete</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Surname</td> <td></td> </tr> <tr> <td>Given Names</td> <td></td> </tr> <tr> <td rowspan="2">Address</td> <td></td> </tr> <tr> <td></td> </tr> </table> <p>I certify that the elector signed/marked this declaration in my presence before 6pm (South Australian time) on polling day.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Signature of Authorised Witness</td> <td style="width: 30%;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;">/ /</td> </tr> </table>	Surname		Given Names		Address			Signature of Authorised Witness	Date		/ /
Surname												
Given Names												
Address												
Signature of Authorised Witness	Date											
	/ /											

For Your Vote To Count

- Read the Postal Voting Guide
- Complete and sign the Elector Declaration
- Ensure the authorised witness completes and signs where indicated
- Do not remove the flap containing your elector details. To ensure the secrecy of your vote, the flap will be removed by an electoral official before the envelope is opened
- Place your completed ballot papers in this envelope and seal as directed

It is an offence for the voter or witness to mark a ballot paper or sign a declaration envelope after the close of poll (6pm South Australian time) on polling day.
 Penalty: \$2,500 or imprisonment for 6 months.

Form 6

Application for a Postal Vote			
Office Use Only			
1. Complete Your Details - Please Print			
Surname			
Given Names			
Residential Address for which you claim to be enrolled <small>Post Office box, RMD & RSD numbers are not acceptable.</small>			
Date of Birth	Day	Month	Year
Contact Number			
2. Address To Send Ballot Papers			
Please send ballot papers for this election/referendum to me at this address			
3. Declaration			
I declare that I:			
<ul style="list-style-type: none"> • have not already voted in this election/referendum; and • am eligible for a postal vote for one of the following reasons: (✓ tick one box) 			
<input type="checkbox"/> Distance	<input type="checkbox"/> Advanced Pregnancy		
<input type="checkbox"/> Travelling	<input type="checkbox"/> Religion		
<input type="checkbox"/> Illness	<input type="checkbox"/> Working		
<input type="checkbox"/> Caring for Others	<small>See back of this application for detailed description of reasons</small>		
Signature or Mark of Elector		Date	
		/ /	
Signature of Authorised Witness <small>only if elector is unable to sign (see reverse)</small>		Date	
		/ /	

Qualification To Apply For A Postal Vote

You are entitled to apply for a postal vote if you are unable to vote at a booth on polling day for one of the following reasons -

- **Distance** - Reside more than 8 kilometres from any polling booth
- **Travelling** - Away from residential address on polling day
- **Illness** - Sickness, infirmity or disability
- **Caring for Others** - Caring for a person who is sick, infirm or disabled
- **Advanced Pregnancy**
- **Religion** - Membership in a religious order or religious beliefs
- **Working** - Working throughout the hours of polling

Obligations of Authorised Witness

An elector who is unable to write may, in the presence of an *authorised witness*, make his/her distinguishing **mark** in the space provided for the applicant's signature.

Authorised witness

- is any person (other than a candidate in the election) who is at least 18 years of age;
- can only witness this application if he/she has seen the applicant **mark** it.

Application By Post

Completed applications must be returned directly to the Electoral Commission and must be received by 5pm on the Thursday immediately before the election/referendum at:

Electoral Commission SA,

GPO Box 666,
Adelaide SA 5001

Level 6, 60 Light Square
Adelaide SA 5000

or an appointed overseas office.

The location of overseas offices will be published in local newspapers prior to the election/referendum and on the Electoral Commission SA website at:

www.ecsa.sa.gov.au

For Further Information

If you have any queries please contact the Electoral Commission SA

Enquiry Line: 1300 655 232

TTY: 08 7424 7451

For fax contact information refer to www.ecsa.sa.gov.au

Form 7

**Declaration by elector who applied by post
but failed to receive voting papers**

To the Returning Officer for the District of

(Insert Name of District)

Elector's Name and Enrolled Address	Surname	
	Given Names	
	Enrolled Address	

I declare that I failed to receive declaration voting papers in response to my postal application.

Signature or Mark of Elector	
-------------------------------------	--

Polling Booth Manager to complete

I, , Polling Booth Manager at the
(Name of Polling Booth Manager)

..... polling place, certify that the abovenamed
(Name of Polling Place)

elector has been provided with the appropriate ballot papers so that he/she may vote in this election.

Signature of Polling Booth Manager **Date**/...../.....

Form 8

ELECTORAL DISTRICT:
ELECTION DATE:
DUE DATE FOR RETURN OF NOTICE:

NOTICE OF APPARENT FAILURE TO VOTE

Dear Elector

My records appear to indicate that you did not vote at the State election held on the date given above.

It is an offence under section 85(7) of the *Electoral Act 1985* to fail to vote without a valid and sufficient reason.

(Expiation fee: \$10; maximum penalty: \$50)

I am now offering you the opportunity to provide the reason for your apparent failure to vote (refer Section 2A or 2B of this Notice).

If the elector to whom this Notice is addressed is absent, or unable to respond, another elector who knows the facts may respond on the elector's behalf.

It is also an offence under section 85(7) to fail to complete, sign and return this Notice to the State Electoral Office by the date given above.

(Expiation fee: \$10; maximum penalty \$50)

A reply paid envelope is provided. Please note that your returned Notice **MUST** be witnessed (refer Section 4 of the Notice).

ELECTORAL COMMISSIONER

Please Print

Section 1	Name of Elector	Daytime Phone
	Current Address	Date of Birth

Section 2 A	<p>Please complete either Section 2A or 2B</p> <p>I did vote</p> <p><i>(Tick appropriate box)</i></p> <p><input type="checkbox"/> at the polling place at</p> <p><input type="checkbox"/> by post.....</p> <p><input type="checkbox"/> pre poll in person at.....</p> <p><i>(Our records will be re-checked against your claim.)</i></p> <p>OR</p>
2 B	<p>The reason for not voting</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

Section 3 A	<p>I declare that the information provided above is true to the best of my knowledge.</p> <p>Signature of elector OR person completing the Notice</p> <p>.....</p>
3 B	<p>Name and address of any person acting on behalf of the elector</p> <p>Name.....</p> <p>Address.....</p>

WITNESS SECTION

4	<p>The declaration was signed in my presence.</p> <p>Signature of Witness</p> <p>.....</p>	<p>Address of Witness</p> <p>.....</p> <p>.....</p> <p style="text-align: right;">Date</p>
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Legislative history

Notes

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

Legislation revoked by principal regulations

The *Electoral Regulations 2009* revoked the following:

Electoral Regulations 1997

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2009	309	<i>Gazette 17.12.2009 p6383</i>	6.1.2010: r 2
2010	22	<i>Gazette 18.2.2010 p855</i>	18.2.2010: r 2
2011	220	<i>Gazette 29.9.2011 p4145</i>	22.10.2011: r 2—disallowed on 16.5.2012 (<i>Gazette 24.5.2012 p2159</i>)
2012	211	<i>Gazette 27.9.2012 p4528</i>	27.9.2012: r 2
2013	277	<i>Gazette 12.12.2013 p4635</i>	12.12.2013: r 2
2014	17	<i>Gazette 16.1.2014 p198</i>	16.1.2014: r 2
2015	167	<i>Gazette 18.6.2015 p2860</i>	1.7.2015: r 2
2016	9	<i>Gazette 4.2.2016 p370</i>	4.2.2016: r 2
2017	189	<i>Gazette 22.6.2017 p2530</i>	22.6.2017: r 2
2017	191	<i>Gazette 22.6.2017 p2536</i>	22.6.2017: r 2
2017	294	<i>Gazette 17.10.2017 p4354</i>	23.10.2017: r 2

Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>18.2.2010</i>
r 5		
r 5(1)	varied by 9/2016 r 4	4.2.2016
rr 5A—5C	inserted by 220/2011 r 4	22.10.2011—disallowed 16.5.2012

	inserted by 211/2012 r 4	27.9.2012
r 6	varied by 17/2014 r 4	16.1.2014
r 7		
r 7(1)	varied by 17/2014 r 5	16.1.2014
r 9		
r 9(1)	varied by 277/2013 r 4(1)—(3)	12.12.2013
	varied by 17/2014 r 6(1), (2)	16.1.2014
r 9(3)	varied by 277/2013 r 4(4)	12.12.2013
r 15	substituted by 277/2013 r 5	12.12.2013
r 15(3)	varied by 17/2014 r 7	16.1.2014
r 17	inserted by 22/2010 r 4	18.2.2010
r 18	inserted by 167/2015 r 4	1.7.2015
r 18A	inserted by 191/2017 r 4	22.6.2017
rr 19—21	inserted by 167/2015 r 4	1.7.2015
r 21A	inserted by 189/2017 r 4	22.6.2017
r 22	inserted by 167/2015 r 4	1.7.2015
r 22A	inserted by 294/2017 r 4	23.10.2017
r 23	inserted by 167/2015 r 4	1.7.2015
r 23(1)	varied by 191/2017 r 5	22.6.2017
r 23A	inserted by 191/2017 r 6	22.6.2017
r 23A(1)	varied by 294/2017 r 5	23.10.2017
r 24	inserted by 167/2015 r 4	1.7.2015
r 25	inserted by 9/2016 r 5	4.2.2016
r 26	inserted by 9/2016 r 5	4.2.2016
	varied by 191/2017 r 7(1)—(10)	22.6.2017
r 27	inserted by 9/2016 r 5	4.2.2016
Sch 1		
Form A1	inserted by 220/2011 r 5	22.10.2011—disallowed 16.5.2012
	inserted by 211/2012 r 5	27.9.2012
Form 1	substituted by 17/2014 r 8(1)	16.1.2014
Form 1A	substituted by 17/2014 r 8(2)	16.1.2014
Form 2	substituted by 17/2014 r 8(3)	16.1.2014
Form 6	substituted by 277/2013 r 6	12.12.2013
Sch 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	18.2.2010

Transitional etc provisions associated with regulations or variations

Electoral (Disclosure of Donations) Variation Regulations 2017 (No 294/2017), Sch 1

1—Transitional provision

Regulation 22A of the *Electoral Regulations 2009* (as inserted by regulation 4 of these regulations) does not apply to a gift or loan made before the commencement of these regulations.

Historical versions

18.2.2010
22.10.2011
17.5.2012
27.9.2012
12.12.2013
16.1.2014
1.7.2015
4.2.2016
22.6.2017