

What candidates, campaigners and supporters need to know

Publication of misleading material for the 2027 council elections

Section 28, the *Local Government (Elections) Act 1999* (**the Act**) prohibits the publication of electoral material containing statements that are inaccurate and misleading to a material extent. If you cannot verify a claim, do not publish it. Electoral material is any communication intended, designed or likely to influence how a person votes.

Evidence of claims

A good practice is to use statements that can be proved or disproved. For example: “Council rates increased by 5%”, “X project cost \$2 million” or “X candidate held a particular position”. An opinion expresses a personal view, commentary, criticism or judgement. Clearly distinguish opinion from claims. A good practice is to retain source material used to verify each claim and independently check the claim before approving, posting, sharing or republishing electoral material.

Responsible publishing

Section 28 applies to electoral material published by any means, including print, websites, online advertising, email, social media, radio and television. Publishing, sharing, or reposting unverified claims may create compliance risks. A person is not taken to have authorised, caused or permitted publication merely because third-party material appears on an Internet site or platform the person established or controls, unless the person directly or indirectly authorised its publication.

The Electoral Commissioner *may* request withdrawal of misleading material or publication of a retraction. In some cases, the Supreme Court may order withdrawal or correction. Act promptly if contacted.

Verifying information

The offence applies where electoral material contains a statement presented and the statement is inaccurate and misleading to a material extent. A person who authorises, causes or permits publication may be guilty of an offence. A good practice is to check figures, dates, costs, rates, quotations, positions held and other objectively verifiable claims against reliable, current evidence. Consider the communication as a whole and whether its words, images, omissions or overall context could mislead a reasonable voter. **Maximum penalty: \$5,000**

Before publishing electoral material, confirm:

- ☐ Is the information accurate?
- ☐ Have figures, dates and statistics been checked?
- ☐ Are sources reliable and current?
- ☐ Can each factual claim be independently verified?
- ☐ Does the material provide appropriate context?
- ☐ Could a reasonable voter be misled?

Legislative source and more information

Section 28 of the *Local Government (Elections) Act 1999* and the *Local Government (Elections) Regulations 2025* sets out the publication of misleading material. Visit ecsa.sa.gov.au for official election guidance and contact details.

Prepared for candidate information and education purposes. This flyer provides general information only and is not legal advice. Refer to the Act and regulations and seek independent legal advice where appropriate.