

**Live local. Lead local.**

**— COUNCIL ELECTIONS —**

# **Candidate handbook**

# Introduction

The Candidate Handbook for the City of Adelaide elections assists persons considering in nominating as a candidate for the City of Adelaide.

Although this publication outlines key legislative requirements, for further information you should consult the South Australian legislation-

- *Local Government Act 1999* (LGA), and the *Regulations* under that Act
- *Local Government (Elections) Act 1999* (LGEA) and the *Regulations* under that Act
- the *City of Adelaide Act 1998* (CAA) and *Regulations* under that Act.

The LGA, LGEA, CAA and the associated regulations may be downloaded from the South Australian Government Legislation website at [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)

The handbook details:

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

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

As 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 perform certain delegated electoral responsibilities.

Deputy returning officers and electoral officers can provide information about processes and procedures and respond to any concerns or questions you may have about the content of this booklet.

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

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

or the website [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au)

The Electoral Commission SA website includes a range of information that relates to enrolment, nominations, and an explanation of the voting system for local government elections.



Mick Sherry  
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 5

### Form

- Have you completed the correct nomination form (LG33 or LG34 or LG35)?

### Profile

- Have you completed your profile?
- Does it meet the legislative requirements?
- Have you included a statement declaring that:
- you take responsibility for the content of the profile
  - you live in the area or ward in which you are nominating
  - at the time of nominating, or anytime in the preceding 12 months, you are/were a member of a political party (If so, name the party. If no longer a member, the date ceased)?
- Have you signed and dated the profile?
- Have you included contact details in your profile - an address (not a PO box); an email address or telephone number at which you can be contacted?
- Is your profile 1000 characters or less?

### Photograph

- Are you submitting a photo? Has it been taken in the last 12 months?
- Is your photo endorsed as required (if submitted via the candidate portal it will be included in the statement however if submitted via hardcopy endorsement required on the back of photo)?

*You must lodge the nomination form 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 if you are a candidate?

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?
- 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? (*forwarded after nominations close*)

## Returns for campaign donations and large gifts

CAA Schedule 1 cls 23-34

- Have you completed a large gift return for each gift/s over \$2,500?
- Have you completed your first donations return due in the period between 22 to 28 days after the close nominations (for periodic elections), or due in the period between 8 to 14 days after the close of nominations (for supplementary elections)?
- Have you completed your campaign expenditure return and second donations return due 30 days after the conclusion of the election?
- 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
LGEA Reg	Local Government (Elections) Regulations 2010	cl	Clause
CA(E&P) Reg	City of Adelaide (Elections and Polls) Regulations 2010	CAA	City of Adelaide Act 1998

# Council election timetables

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

The *Local Government (Elections) Act 1999* outlines the timeframes within which periodic and supplementary elections must be held, as well as a framework for election conduct.

All elections are conducted by post and voting is voluntary.

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

## **Supplementary Council Elections**

Please refer to [ecsa.sa.gov.au](http://ecsa.sa.gov.au) for the timetable specific to this election event.

<b>ROLL CLOSE</b>	
Not less than 13 weeks before close of voting	[s15(7)(a)]
<b>Public notice inviting nominations</b>	
No later than 14 days before nominations close	[s18]
<b>NOMINATIONS OPEN</b>	
No earlier than 14 days before the day nominations close	[s19(4)]
<b>NOMINATIONS CLOSE</b>	
12 noon, the 6th Tuesday after the day fixed for roll close	[s23(a)]
<b>Draw for position of candidate names on the ballot paper</b>	
As soon as reasonably practicable after 4pm the day nominations close	[s29(2)(3a)]
<b>Public notice of nominations received and notice in writing to candidates</b>	
Within 16 days of close of nominations	[s26(1)(2)]
<b>Furnish a <i>campaign donations return</i></b>	
Within 22 to 28 days of nominations close	[s80(3)(a)(i)]
<b>Mail-out of voting packs to electors</b>	
As soon as practicable after 28 days and not later than 21 days before close of voting	[s39(1)]
<b>POLLING DAY – CLOSE OF VOTING</b>	
5pm on the second last business day before the second Saturday in November	[s5]
<b>SCRUTINY AND COUNT</b>	
Commences the second last day after polling day – close of voting	[s47(1)(b)]
<b>Provisional declaration</b>	
Immediately after the count is completed	[s48(1)]
<b>Request for recount</b>	
Within 72 hours after provisional declaration	[s49]
<b>Written advice to candidates notifying election results</b>	
Immediately after the conclusion of the election	[s50(3)(a)]
<b>Furnish a <i>campaign donations and expenditure return</i></b>	
30 days after the conclusion of the election	CAA Schedule 1 cls 23-34
<b>Public notice of election results</b>	
Within one month of the conclusion of the election	[s50(3)(b)]

**Note**

Several public notices may be published earlier than the full permitted statutory period as the Government Gazette is published on a Thursday.

**Supplementary elections**

A supplementary election will be held to fill any casual vacancy unless:

- the vacancy occurs on or after 1 January of a year in which a periodic election is due to be held, and before nominations for that election are invited, or
- the vacancy is for an office other than mayor, *and*
- the area of the council is not divided into wards, *and*
  - *if the council has 9 or more offices (excluding the office of mayor) – there is no more than 1 other vacancy in the office of a member of the council; or*
  - *in any other case – there is no other vacancy in the office of a member of the council; and*
- there is no other vacancy for a member of council, *and*
- it is the policy of the council that it will not fill such a vacancy until the next election.

Local Government  
(Elections) Act 1999  
[LGEA s6] &  
City of Adelaide Act  
1998 Schedule 1

<b>ROLL CLOSE</b>	
On the date fixed for the close of roll by the proclamation or notice fixing polling day	[s15(7)(b)]
This date must not be less than 8 weeks before the polling day for the election	[s15(9)(b)]

**Public notice inviting nominations**  
No later than 14 days before nominations close [s18]

<b>NOMINATIONS OPEN</b>	
No earlier than 14 days before the day nominations close	[s19(4)]

<b>NOMINATIONS CLOSE</b>	
12 noon on the day appointed by the Returning officer, not less than 21 days before polling day	[s23(b)]

**Draw for position of candidate names on the ballot paper**  
As soon as reasonably practicable after 12 noon the day nominations close [s29(2)(3)(b)]

<b>Public notice of nominations received and notice in writing to candidates</b>	
Within 16 days of close of nominations	[s26(1)(2)]

**Furnish a *campaign donations return***  
Within 8 to 14 days of nominations close [s80(3)(a)(i)]

<b>Mail-out of Voting Packs to Electors</b>	
As soon as practicable after 21 days and not later than 14 days before close of voting	[s39(1)]

**POLLING DAY – CLOSE OF VOTING**  
At 12 noon on a day fixed by public notice by the Returning officer [s6(6)(7)]

<b>SCRUTINY AND COUNT</b>	
As soon as practicable after 12 noon	[s47(1)(a)]

**Provisional declaration**  
Immediately after the count is completed [s48(1)]

<b>Request for recount</b>	
Within 72 hours after provisional declaration	[s49(1)(2)]

**Furnish a *campaign donations and expenditure return***  
30 days after the conclusion of the election CAA Schedule 1 cls 23-34

<b>Public notice of election results</b>	
Within one month of the conclusion of the election	[s 50(3)(b)]

# 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 (LGEA s10).

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; or
- bring proceedings for an offence against the Act (LGEA s92).
- lodge a petition in the court disputing the validity of an election if considered appropriate due to an error in recording, scrutiny, counting or recounting of votes in the election. (LGEA s69A, s70)
- determine the forms, completion and return of furnished disclosure returns received from all candidates.

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
  - publish list of candidates to councils within 24 hours of nomination close
  - publish the 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 and accountable to council,
- 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, or
- view, check, or comment on electioneering material. It is your responsibility to ensure that material complies with the *Local Government (Elections) Act 1999* or any Commonwealth and State Laws and can sustain any legal challenge.

# The council voters roll

The council voters roll is a combined list of House of Assembly electors and council enrolment records containing the full names, residential and rateable property addresses for natural persons, bodies corporate or groups entitled to vote.

## Qualifications for enrolment

[CAA cl2]

The following are entitled to be on the council voters roll for an area or ward:

1. **A natural person** of or above the age of majority (18), if that person is:
  - a) enrolled on the state roll as resident of the area or ward, or  
a natural person who is provisionally enrolled as an elector for the state roll (and is entitled to vote if they are 18 years or over on or before the close of voting), or
  - b) living within the area or ward for at least one month and has lodged the prescribed application with the council CEO, or
  - c) a ratepayer within the area or ward and sole owner of that rateable property, or
  - d) a ratepayer, sole occupier of property in the council but not residing at, that rateable property.
2. **A body corporate** if it pays rates for a property within the area or ward and the sole owner or occupier of the rateable property.
3. **A group of persons** (consisting of natural persons, bodies corporate or partly of natural persons and partly of bodies corporate) provided:
  - a) the members of the group are all ratepayers for rateable property within the area or ward, *and*
  - b) the members of the group are joint owners, owners in common or joint occupiers of the rateable property, *and*
  - c) at least one member of the group (being a natural person aged 18 years or over or a body corporate) is not enrolled on the relevant voters roll under (a) or (b) above, and no member of the group is enrolled on the relevant voters roll under (a) (i) or (ii) as a resident of the rateable property, *and*
  - d) no member of the group is an occupier, though not an owner, and resident in the rateable property.

**A group of persons** may apply to the CEO, on a council approved form, in order to:

- nominate a name for their group, *or*
- change the name for the group.

The CEO may reject an application if, in his/her opinion, the name is obscene or frivolous and may determine the name of a group. The name of the group **must** end with the word 'group'.

### Note

**State Crown entities** are not entitled to be enrolled (LGA s302).

## 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:

- the full name of the person, body corporate or group, *and*
- in the case of a natural person – the address of the person's place of residence, *and*
- the address of the place of residence or rateable property which entitles the person, body corporate or group to be enrolled, *and*
- if the person, body corporate or group chooses – an additional address nominated by them for the service of postal voting papers, *and*
- 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**

- *any person believing their name should appear on the voters roll, and it does not, should contact the council office as soon as practicable;*
- *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;*
- *a copy of the current voters roll for the council area is available at the council office for public inspection (without charge);*
- *a copy of the voters roll will be available to candidates from close of nominations until the close of voting. Any further copies may be purchased from the CEO on payment fixed by council, and*
- *if a copy of the voters roll is used 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 an offence with a maximum penalty of \$10 000.*

# Entitlement to vote

## A natural person

A person who is entitled to vote at an election or poll include:

- persons on the state roll (including provisional voters who turn 18 years on or before close of voting);
- natural person in their own right;
- for a body corporate if the person is:
  - an officer of the body corporate, and
  - acting on behalf of the body corporate.
- for a group if the person is:
  - a member of the group or an officer of a body corporate that is a member of the group, *and*
  - acting on behalf of the group.

A natural person for a body corporate or group must be above the age of majority.

The name of the person, body corporate or group must be on the voters roll and the person, if relevant, must also declare their eligibility to vote and capacity to act on behalf of a body corporate or group [CAAc14].

A person is only entitled to vote once in a particular election, therefore, an elector who has an entitlement to vote for more than one ward is only entitled to vote once in an election for the Lord Mayor and Area Councillor but can cast a ward only vote for the other entitlement/s.

## Multiple entitlements - City of Adelaide

A natural person may complete multiple voting entitlements when they are issued in their own name.

A person acting as an authorised officer of a body corporate may complete voting entitlements issued to that body corporate where they have **not otherwise voted** in any capacity as an individual in their own name or as an authorised officer of another body corporate or as a member of a group.

A person acting as a member of the group may complete voting entitlements issued to that group where they have **not otherwise voted** in any capacity as an individual in their own name or as an authorised officer of a body corporate or as a member of another group.

Concerns on eligibility on multiple entitlements should be directed to the City of Adelaide.

If you vote more than once for the same election i.e.: mayor, area councillor or ward councillor, no declaration envelopes will be admitted to scrutiny.

## Omissions from the voters roll through administrative error

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

# Briefing session for intending candidates

## Candidate briefing sessions

### ECSA candidate briefing session

Intending candidates are encouraged to attend an ECSA candidate briefing session. The briefing session will cover:

- How to nominate
- How the election is conducted
- The election timetable
- Nomination procedures
- How to successfully nominate via the online portal
- Tips for campaigning
- The voting procedures and processes
- Disclosure returns.

ECSA offers an online recorded version of the candidate briefing session.

It can be viewed at <https://www.youtube.com/watch?v=d71b1I908dE>

# Nomination requirements and procedures

The nomination process is managed by the returning officer with certain responsibilities delegated to electoral officers.

## Who can nominate [CAA c15]

You must declare your eligibility for election on the nomination form i.e. that you are:

- 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 (you 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 deputy returning officer will rely on your declaration of eligibility on the nomination form.

A body corporate or group determines the nominated person 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); or
- are an undischarged bankrupt or benefiting from a law for the relief of insolvent debtors; or
- are an employee of the council; or
- are disqualified from election by court order under the LGA; or
- 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 (LGEA s19(7))*
- *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 (LGEA s24), or*
- *be a candidate at a supplementary election if you are a member of another council.*

## How and where to nominate: on-line candidate portal or pre-printed nomination forms

### How to Nominate

#### On-line Nomination Portal option

You may enter your nomination details via the ECSA candidate portal, [www.candidateportal.ecsa.sa.gov.au](http://www.candidateportal.ecsa.sa.gov.au) an Internet based system. Candidates can directly enter their nomination details, candidate profile content and upload an optional photo to the candidate portal. You will only be able to submit from the day nominations open until 12 noon on the day nominations close.

#### Amending an accepted nomination or profile prepared via the on-line candidate portal

If a candidate has submitted a nomination via the on-line portal which has been accepted by the deputy returning officer, and the candidate wishes to amend the accepted nomination or profile, they will be required to withdraw their original nomination by completing a withdrawal form via the portal and submit a new nomination.

Upon confirmation of the withdrawal, the candidate will be advised that the on-line portal has been reset to enter their new nomination and submit.

### **Amending an unaccepted nomination or profile submitted via the on-line candidate portal**

If a candidate has submitted their nomination and profile via the on-line portal and it has not been accepted due to an issue with the nomination form or unacceptable profile the candidate will be contacted by the deputy returning officer and advised to amend the correction and resubmit. The on-line portal will be reset to allow them to return to the original nomination or profile to amend without having to retype it again.

### **Allow time for confirmation of the nomination being accepted**

You should not leave your nomination lodgement until the last minute. If the requirements relating to the completion of the nomination form or the candidate profile are not acceptable at the close of nominations, the nomination will be rejected.

As a candidate you will be given every opportunity to correct a deficiency with the nomination prior to acceptance and the close of nominations, however a correction or alteration is not permissible after the close of nominations.

### **Manual nomination forms**

If you are unable to lodge your nomination via the on-line candidate portal, then please call ECSA on (08) 7424 7400 to discuss your options.

### **Note - Late nominations cannot be accepted.**

*Regardless of the nomination option chosen, it is highly recommended that you lodge your nomination early and allow sufficient time to rectify any potential problem with your nomination or profile before nomination close. Any nomination received after the close of nominations cannot be accepted.*

## **Nomination forms**

Prepare your nomination via the candidate on-line portal [www.candidateportal.sa.gov.au](http://www.candidateportal.sa.gov.au)

Ensure the correct nomination form is completed

<b>Nomination form number</b>	<b>To be completed by:</b>
<b>Nomination form LG33</b>	an elector nominating in their own right
<b>Nomination form LG34</b>	the nominee of a body corporate
<b>Nomination form LG35</b>	the nominee of a group

Check that:

- you complete the appropriate nomination form in its entirety, and
- each section of the nomination form is completed correctly.

## **Your name to appear on the ballot paper**

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

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

### **Note**

- *titles and honorifics are not permitted on the ballot paper, and*
- *your surname will be printed on the ballot paper in CAPITALS and will appear before any other name (e.g. PATTERSON Don - WILLIAMS Jenny - McDONALD Percy).*

You may ask that:

- the name by which you are generally known appears on the ballot paper by completing the relevant section on the nomination form, and
- certain letters of your surname can be displayed in lower case (e.g. McMILLAN, MacMILLAN, van der MEER).

**Candidate contact details**

Please provide your contact details on the nomination form so that the deputy returning officer can resolve any queries with you and provide any relevant information in a timely fashion.

**Display of nomination forms**

Following close of nominations, all candidates contesting elections must be displayed on the website within 24 hours. A list of candidates for the relevant council will be forwarded to the council CEO.

**Dispute over validity of a nomination**

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

**Withdrawal of nomination**

You, a body corporate or group of persons can withdraw a nomination at any time before the close of nominations by completing the withdraw nomination form via the candidate portal.

**A nomination cannot be withdrawn after the close of nominations unless you cease to be qualified for election.**

**Publication of candidate profiles**

All candidate profiles must be published on the website within 14 days of nominations close for each election.

Candidate profiles and photographs are published on the ECSA website [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au).

# Candidate profiles and photographs

Your nomination cannot be accepted unless it is accompanied by your candidate profile. The profile must:

- contain contact details of the candidate being either the candidates address (not being a post office box), an email address or telephone number at which you can be contacted;
- be accompanied by a statement declaring
  - I take responsibility for the content of the profile;
  - whether you live in the area or ward in which you are nominating
  - whether you are an existing member of a political party, or if you have been in the past 12 months. You must name the political party and, if you are no longer a member, the date you ceased to be a member.
- be signed and dated by you
- not be more than a 1000 characters in length (only the body of the text counts towards the character count). It is recommended you check your character count on a computer as it included spaces. The signature, date and contact details and accompanying statements do not form part of the 1000 character count.
- be typed or handwritten in legible form
- 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 (either at the same election or any other election to be held on the same day) without the written consent from the person (lodge the written consent with your profile), and.
- not comment on the decisions or actions that have been made or taken by the council or on decisions or actions of past or present members of the council.

**The signature, date, contact details and further candidate profile statements provided at the bottom of the profile do NOT form part of the 1000 characters.**

Before lodging your profile, it is recommended that you read the brochure 'LG13' entitled 'Requirements for Profiles and Photographs' and read the check boxes to ensure your profile is acceptable.

## Note

*If your profile does not meet legislative requirements, the returning officer will take all reasonable steps to notify you of the matter for you to address the matter before close of nominations. If the matter has not been rectified by the close of nominations, your nomination will be rejected.*

## Profile content

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, and
- declarations of public policy and promises of public action.

Additionally, it is recommended that if a candidate has a campaign specific website and or a campaign social media page, these details be included in the profile to help voters to make choices when voting. (For privacy reasons candidates should not use their personal Facebook account for campaigning).

Profiles will be included in the voting material mailed to electors.

**A profile must not comment on the decisions or actions that have been made or taken by the council or on decisions or actions of past or present members of the council.**

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 preclude statements of fact that are neutral 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.

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

#### Principles that apply to your profile

Use a computer to count the characters which includes spaces in your profile and write 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.

#### Note

*If your profile exceeds the 1000 character limit and you have not reduced the limit by the close of nominations, the returning officer will exclude from the profile all characters appearing after the 1000 characters.*

*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.*

#### Printing

For consistency and fairness each candidate will be allocated an equal amount of space on the profile sheet (regardless of the number of characters in the profile) i.e. a candidate with a 100 character profile will be allocated the same amount of space as a candidate with 1000 characters.

Profiles will be printed:

- in the same order as the names appear on the ballot paper;
- with continuous text (no paragraph breaks), and
- in the same size font and exclude: • dot points, underlining, **bolding** or CAPITALS (entire words) unless it forms a word normally composed of capitals e.g. CSIRO.

## Candidate photographs

It is your decision whether to submit a photograph. If you choose to provide one, it may be submitted in either colour or black and white, though profiles and photographs are reproduced only in a black and white 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;
- if the photograph is provided via the candidate portal with your nomination, the endorsement will be included in the statement however if your nomination is lodged in hard copy, it must be endorsed on the back 'This is a photograph of (insert name) taken within the last 12 months' and signed by you; and
- 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. Refer to the last page of this section to see how a completed profile will look.

**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 at a later time.**

### Note

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

Example of how a candidate's profile should be submitted

**HARRIS, Trevor**

A retired engineer and a Councillor for Manuka Ward for four years. Trevor has served on a number of Council Committees including the Bowling Club Committee, Paradise Aged Day Care Committee, and the Paradise Veterans Board. I helped form the Paradise Hills Sustainable Development Board of which I am a member and represent Paradise on the Local Government Committee of the Recycling Program. I am Chair of the Financial Management Committee of the Paradise Council and Deputy Chair of the Environment Protection Authority and a member of the Local Government Association's CFS Working Party. I live in North Paradise with my wife Gloria, formerly of the Paradise Hospital Board and a father of two adult sons. I have a passionate vision for the future of City of Paradise and look forward to continuing to serve the community. If you would like further information on my campaign, visit my website [www.tharrisforparadise.com](http://www.tharrisforparadise.com) or my Facebook page - THarrisforparadise. Email [trevorharris@bigpond.com](mailto:trevorharris@bigpond.com)

Character count – 1000  
Contact details 8261 4822

I take responsibility for the content of this profile  
I live in the ward  
I am a member of the Democratic Nation Party

Signed



26/8/2022

Your profile:

- **MUST** provide either a street address (not a post office box), an email address or a phone number at which you may be contacted.
- **MUST** include a statement of responsibility for the content of the profile, whether you live in the area or ward in which you are nominating; whether you are an existing member of a political party, or if you have been in the past 12 months. Name the political party and if you are no longer a member when did you cease to be a member.
- **Is RECOMMENDED to** include a character count at the bottom of the profile, and
- **MUST** be signed and dated.

Example of a completed profile sheet

Council Logo	<h2>City of Paradise Election of Manuka Ward</h2>
<p>Profiles for each of the 3 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 City of Paradise take responsibility or bear liability for the information contained within.</p>	
<p>M Sherry, Returning Officer</p>	
	<p><b>HARRIS, Trevor</b> A retired engineer and a Councillor for Manuka Ward for four years. Trevor has served on a number of Council Committees including the Bowling Club Committee, Paradise Aged Day Care Committee, and the Paradise Veterans Board. I helped form the Paradise Hills Sustainable Development Board of which I am a member and represent Paradise on the Local Government Committee of the Recycling Program. I am Chair of the Financial Management Committee of the Paradise Council and Deputy Chair of the Environment Protection Authority and a member of the Local Government Association's CFS Working Party. I live in North Paradise with my wife Gloria, formerly of the Paradise Hospital Board and a father of two adult sons. I have a passionate vision for the future of City of Paradise and look forward to continuing to serve the community. If you would like further information on my campaign, visit my website <a href="http://www.tharrisforparadise.com">www.tharrisforparadise.com</a> or my Facebook page – <a href="https://www.facebook.com/tharrisforparadise">Tharrisforparadise</a>. Email <a href="mailto:trevorharris@bigpond.com">trevorharris@bigpond.com</a></p> <p><i>I live in the Ward I am a member of the Democratic Nation Party Contact Details - Ph 8261 4822</i></p>
	<p><b>ROBERTS, Greta</b> If elected, I will support best practices to ensure Council make sound decisions that reflect what the community need. I will act with respect and integrity, and I am committed not only for the people but also the environment. I am not affiliated with any minority group or political party. I am married, with two children aged 11 &amp; 8 and I am an owner/operator of an accounting company and director of a public company. Professional qualifications and memberships: Bachelor of Accounting (Paradise University); Master of Business Administration (Paradise University) and fellow of the Australian Institute of Company Directors. I am passionate about preserving the parks and open spaces in Paradise along with our heritage to ensure they are available for future generations. If you would like to contact me, please do not hesitate to reach out to my mobile number 0413 482 137 or you can find more information on my campaign website <a href="http://www.GretaVote1.com">www.GretaVote1.com</a> or on Facebook and Instagram <a href="https://www.instagram.com/GretaVote1">GretaVote1</a>.</p> <p><i>I do not live in the Ward I am not a member of a political party Contact Details - <a href="mailto:greta.roberts@gmail.com">greta.roberts@gmail.com</a></i></p>
Photograph not provided	<p><b>BROWN, Julie</b> As a ratepayer, I believe that rates should not be any higher than necessary to allow Council the funds to provide core services to the community. I want to focus on the needs of the community and am committed to preserving our nature trails and parks whilst maintaining our local sports facilities. I have lived in the area for over 20 years and aim to work to improve our environment, address the issue of youth unemployment in the area and strive to upgrade and maintain the council's involvement in community facilities. I have always been available to listen to people's problems and attempt to provide solutions. I am involved in several committees, President of Paradise Netball club, volunteer with the Digital Hub, started developing a neighbourhood watch in Paradise. I am a local business owner and have extensive experience in business and am excited about working in collaboration with the community and council if elected.</p> <p><i>I live in the Ward I was a member of the Liberal Democrats party until 24/10/2021 Contact Details - 7 Way Lane, Paradise SA 5888</i></p>

# After the close of nominations

## Public announcement of nominations received and the draw to determine the order of names of candidates on the ballot paper

As soon as reasonably practicable after the 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, and
- 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.

## 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, and
- close of voting and scrutiny and count details.

## Display of nominations and profiles

Candidates who nominated for election for each council will be displayed on the internet within 24 hours.

Candidates profiles for each council and position will be displayed on the internet within 14 days of nominations close.

## Correspondence to candidates

The deputy returning officer will prepare and forward correspondence advising either that you have been elected, if the number of candidates does not exceed the number of vacancies or, for a contested election:

- 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, and
- scrutiny and count details.

In addition, you will be forwarded:

- the 'Legislative framework relating to electoral material, illegal practices, campaign donations and moveable signs';
- a *campaign donations return* and *large gifts return*, and
- a *scrutineer authority form*.

If these forms are mislaid or lost, contact the Electoral Commission SA or your council for replacements.

## Failure of an election [LGEA s7]

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

- a nominated candidate dies; or a nominated becomes ineligible to be a candidate for election as a member of the council in accordance with s17 of the *Local Government (Elections) Act 1999* and the election is to fill one vacancy, or
- 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 determining your campaign strategy and expenditure you may wish to consider:

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

## Information available to assist your campaign

City of Adelaide has:

- information on the council area including boundaries;
- a copy of the voters roll for the area or ward for which you nominate
  - the roll is available in electronic format
  - the voters roll will be available from the close of nominations until the close of voting
  - further copies are available from the council at a fee fixed by council.
- information on existing council activities, services, and issues in the council area, and
- information regarding election signage permitted by council.

With reference to the voters roll, note that state electoral roll information will contain enrolled address data only. Privacy considerations prohibit the release of postal details, and no address information is available for electors whose address is suppressed.

Various provisions of the *Local Government (Elections) Act 1999* and *City of Adelaide Act 1998*, if breached, may lead to criminal prosecution.

## Publication of electoral material [LGEA s27,28]

Electoral material is defined as an advertisement, notice, statement, or representation calculated to affect the result of an election or poll.

All electoral material must be authorised and contain the name and address of:

- the person authorising publication of the material, and
- in the case of printed material, the name and address of the printer or person responsible for its production, if they have a physical address. If they do not have a physical address, the name and email address or website.

The address may be a post office box or business address, provided it is the usual post office box or business address used by the person.

Electoral material published in a newspaper as a letter to the editor must include the name and address of the writer of the letter. This address cannot be a post office box.

Refer to LGEA s27 reproduced on page 39- 'Legislative framework relating to electoral material, illegal practices, campaign donations and moveable signs'.

Electoral material must not contain a statement purporting to be a statement of fact that is inaccurate or misleading to material extent. Refer to LGEA s 28 reproduced on page 40 - 'Legislative framework relating to electoral material, illegal practices, campaign donations and moveable signs'.

## Note

- *Restrictions applying to information contained in the candidate's profile lodged with the nomination form do not apply. You may state your opinions but be aware that you could face possible civil proceedings for defamation if an organisation or person is sufficiently aggrieved by a statement you might make.*

**Electoral material published on the internet (including social media)** Electoral material published on the internet must include the authorisation above, except where the name and address of the authoriser is immediately accessible by viewers of the material. In the context of social media, all profiles, pages, or groups used to campaign must be authorised in the 'about' section.

Any photos or videos shared on social media must be authorised within that medium.

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

**Signage** As provided by the LGA ss226(2a), electoral advertising posters (including corflutes) relating to local government elections are prohibited on public roads (including any structures, fixtures or vegetation on a public road), except in prescribed circumstances. It is an offence to do so and the maximum penalty under the LGA is \$5,000.

**Caretaker policy** All councils must have adopted a caretaker policy governing the conduct of council and staff during the election period (which commences on the day of close of nominations, or if an earlier date is specified in the caretaker policy, that date, and ends at the conclusion of the election) for a general election. This policy must prohibit the use of council resources (e.g. offices, support staff, hospitality services, equipment and stationery) for the advantage of a particular candidate or group of candidates but does not prevent a caretaker policy from allowing the equal use of council resources by all candidates.

**Illegal practices** The illegal practices covered in Part 12 of the LGEA include:

- violence, intimidation, or bribery e.g.;
  - inducing a person to submit or withdraw their candidature for election or
  - influencing the vote of a person at an election or poll or
  - otherwise interfering with an election or poll.
- dishonestly exercising, or attempting to exercise, a vote at an election or poll to which a person is not entitled;
- dishonestly influencing or attempting to influence the result of an election or poll;
- interfering with the statutory rights of another person;
- unlawfully interfering with a computer program or system used by an electoral officer for the purposes of an election or poll;
- attempting by secret or dishonest means to determine how another person has voted;
- opening an envelope containing a vote (except for the returning officer or an appointed electoral officer);
- disclosing how another person has voted (acquired through assisting the person to vote);
- making a statement in a claim, application, return or declaration, or in answer to a question that is, to the person's knowledge, false or misleading in a material respect, and
- marking a vote or making any other mark in writing on a ballot paper (except as authorised by the Act or by the person to whom the ballot paper has been issued).

In addition, you, or a person acting on your behalf (with your authority or not), is not permitted to assist a person voting at the election (s61) and your scrutineers must not interfere with or attempt to influence a person voting or proposing to vote (s66).

*The Criminal Law Consolidation Act 1935* s85 covers damage to property and encompasses defacing, destroying, or removing other candidates' election posters.

Illegal practices detailed in the Act are reproduced on page 39 – 'Legislative framework relating to electoral material, illegal practices, campaign donations and moveable signs'.

## Campaign donations returns

Returns in relation to campaign donations, large gifts and campaign expenditure are covered in Part 8 of the CAA.

All candidates for election must lodge campaign donations returns with the returning officer (the Electoral Commissioner) disclosing gifts and details of persons/organisations providing these gifts.

Candidates must lodge two returns:

- the first campaign donations return for a periodic election must be lodged in the period **between 22 to 28 days** after close of nominations (or in the period between **8 to 14 days** after nominations **in any other case e.g. if it is a supplementary election**)
- the second campaign donations return for an election must be lodged within **30 days** after the conclusion of the election.

**Note:** In the event that a candidate has no disclosures, a nil return must still be lodged.

Candidates must consider the **disclosure period** applying to them to determine the period of time covered by the return (these will vary depending on whether the candidate is:

- a *new candidate* – in which case their disclosure period commences 12 months before polling day for the election; or
- a *new candidate* and when they became a candidate as a member of council by virtue of having been appointed under the LGA – in which case their disclosure period commences on the day on which the person was appointed as a member of council; or
- not a *new candidate* – in which case their disclosure period commences at the end of 21 days after polling day for the last preceding election in which the person was a candidate.

The disclosure period for a candidate ends 21 days after polling day for an election.

A candidate is a *new candidate*, in relation to an election, if the person had not been a candidate in the last *general election* of a council and had not been a candidate at a supplementary election held after the last *general election* of a council. A *general election* in relation to a council, means a *general election* of members of the council (whether held under section 5 of the LGEA or pursuant to a proclamation or notice under the LGA).

The campaign donations return should include:

- the total amount or value of all gifts received;
- the number of persons who gave those gifts;
- the amount or value of each gift;
- the date each gift was given, and
- the name and address of the person who gave the gift. If the gift was given by an unincorporated association, the name of the association and the names of the executive committee must be stated.

**Details of private gifts or those less than \$500 or gifts already disclosed in a large gift return are NOT required, but a campaign donations return must be lodged in any event (in which case it is permissible to declare that no gifts or a kind required to be disclosed have been received.**

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

## Large gift return

A candidate must lodge a *large gift return* if they receive a gift or gifts from a donor in excess of \$2,500.

The timing of the lodgement of a *large gift return* by candidates will vary depending on the type of council election being conducted. A large gift return must be furnished:

- in relation to a disclosure period applying to a candidate for a *periodic election* –
  - in the year in which the election is to be held - **within 5 days** after the receipt of each gift or gifts in excess of \$2,500 (or the prescribed amount) during the period commencing on:
    - 1 January in that year; or
    - if the disclosure period applying to the candidate commences after 1 January, the day on which the disclosure period commences,and ending 5 days after the end of the disclosure period; and
  - in each year in which the disclosure period applies to a candidate for election (including the year in which the election is to be held) – **within 60 days after 30 June**.

A *periodic election* means an election to fill the offices of a council held pursuant to section 5 of the *LGEA*.

- In relation to a disclosure period applying to a candidate for a *supplementary election* – **within 5 days** after the receipt of each gift or gifts in excess of \$2,500 [or the *prescribed amount*] during the period commencing on the close of nominations for election and ending 5 days after the end of the disclosure period.

As with campaign donations returns, the **disclosure periods** applying to candidates will vary depending on whether they are deemed to be a *new candidate* or not, and whether they are a *new candidate* who was also a member of council by virtue of having been appointed under the *LGA* (see disclosure periods outlined above for campaign donations returns).

The return must disclose:

- the amount or value of each gift received
- details of persons and organisations (donors) providing those gifts
- the date of which each gift was made.

**Details of *private gifts* or those less than \$2,500 are NOT required but two or more gifts (excluding *private gifts*) made by the same person to a candidate during the disclosure period are to be treated as one gift.**

## Campaign expenditure return

All candidates for election to an office of the Adelaide City Council must lodge a *campaign expenditure return* setting out all details of campaign expenditure in relation to the election incurred by or with the authority of the candidate.

**If a candidate does not incur more than \$500 in campaign expenditure, they must lodge a NIL return.**

The types of expenditure defined as campaign expenditure are set out in s25(2) CAA and they include, but are not limited to, such items as:

- the broadcasting of an electoral advertisement
- production and display of an electoral advertisement
- production of material requiring the author or printer of the material to be displayed in accordance with s27 LGEA
- consulting and advertising agency fees
- production and distribution of electoral material.

A *campaign expenditure return* must be lodged with the returning officer within 30 days after the conclusion of the election.

**Note**

Legal requirements relating to the disclosure of campaign donations, large gifts and campaign expenditure are reproduced on the relevant *campaign donations return*, *large gift return* or *campaign expenditure return* which will be available to be completed and uploaded electronically at [www.candidateportal.ecsa.sa.gov.au](http://www.candidateportal.ecsa.sa.gov.au).

It is an offence for a candidate to not lodge a *campaign donations return*, *large gift return* or *campaign expenditure return*. **Candidates who fail to lodge the required return will be prosecuted. Offenders may be fined and have a conviction recorded.**

*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.*

### **1. Purpose**

The Feedback and Complaints Policy establishes the standards which the Electoral Commissioner requires for local council election complaints to be considered; and establishes the standards which individuals and organisations may expect to receive in their dealings with the Electoral Commission of South Australia (ECSA).

### **2. Lodging a complaint**

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

Complaints must be made in writing, preferably using the online form available on our website. The complaint must establish the facts which are the basis of the allegation and be supported by evidence of the alleged electoral offence.

Complaints may be made:

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

by email: [ecsa.complaints@sa.gov.au](mailto:ecsa.complaints@sa.gov.au)

by post: Electoral Commissioner  
Electoral Commission SA  
GPO Box 646  
ADELAIDE SA 5001

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

### **3.. Consideration of complaints**

The Electoral Commissioner will consider all formal complaints on merit and the provision of evidence is essential in enabling this consideration.

The Electoral Commissioner will determine, based on the complaint, whether a potential breach has occurred. If no breach is apparent, the complainant will be advised accordingly. However, if the Electoral Commissioner believes a potential offence may have been committed, the alleged offender will be contacted to allow them an opportunity to make a submission. The Electoral Commissioner may then make a determination based on the information and evidence received (such as seeking a withdrawal of offending material or a retraction of statements); seek further information from either of the parties; issue a warning; or commence prosecution action.

Should a person or organisation who has been accused of committing an electoral offence be contacted for further information they should furnish the Electoral Commissioner with the information requested by the time indicated. Such cooperation will be taken into consideration by the Electoral Commissioner in determining whether to prosecute alleged offenders.

### **4. Confidential treatment of complaints**

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

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

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

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

## **5. Timeframes**

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

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

ECSA will strive to resolve complaints within 5 days of acknowledgement.

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

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

# The mail-out of voting material and close of voting

## Voting Packs

If an election is contested, the returning officer must, as soon as possible between 28 and 21 days prior to 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;
- an envelope bearing a tear off flap for a declaration by the elector to the effect that:
  - the voter is aged 18 years or over or a provisional elector who turns 18 years on or before the close of voting
  - the ballot paper in the envelope is marked with his or her vote
  - he or she has not already voted at this election or poll in any other capacity
- a reply-paid envelope.

To be accepted, the declaration must be completed and signed by the elector or an officer of a body corporate or a member of a 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 is disabled and unable to vote, *or*
- a voter wishing to obtain, complete or return postal voting papers, *or*
- have in your possession or attempt to gain possession of postal voting papers except for ballot papers issued to you in your own right.

## Issue of replacement ballot papers

The deputy returning officer may issue replacement ballot paper/s if satisfied that the original voting material forwarded to an elector:

- has not been received by the elector, *or*
- has been lost, *or*
- has inadvertently been spoiled.

Reissues can be obtained by calling the ECSA Call Centre in 1300 655 232 or by downloading a form for this purpose from the ECSA website [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au) or the deputy returning officer. The original voting material will be cancelled.

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### **Last voting papers issued/reissued All elections**

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By post or in person from ECSA 5pm, seven days before the close of voting

## Close of voting

For periodic elections, voting closes at 5pm the second last business day before the 2<sup>nd</sup> Saturday in November of 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

[LGEA ss32, 57 to 66]

You may appoint one or more scrutineers to observe the conduct of the election and counting of votes. 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 hand in a completed Scrutineer Authority Form, signed by you.



## 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 up to two scrutineers who may be present at the same time during the 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.

Please **PRINT** details on this form

**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 <input style="width: 95%;" type="text"/>	Given names <input style="width: 95%;" type="text"/>
Residential address	
Street <input style="width: 95%;" type="text"/>	
Suburb <input style="width: 60%;" type="text"/>	Postcode <input style="width: 15%;" type="text"/> <input style="width: 15%;" type="text"/> <input style="width: 15%;" type="text"/> <input style="width: 15%;" type="text"/>
Contact phone number <input style="width: 95%;" type="text"/>	
Contact email address <input style="width: 95%;" type="text"/>	
Signature of scrutineer <input style="width: 60%;" type="text"/>	Date <input style="width: 20%;" type="text"/>

**Candidate information**

Family name <input style="width: 95%;" type="text"/>	Given names <input style="width: 95%;" type="text"/>		
Contact phone number <input style="width: 95%;" type="text"/>			
Contact email address <input style="width: 95%;" type="text"/>			
Name of election <input style="width: 95%;" type="text"/>			
Mayor <input type="checkbox"/>	Area councillor <input type="checkbox"/>	Ward councillor <input type="checkbox"/>	Ward name (if applicable) <input style="width: 95%;" type="text"/>
Signature of candidate <input style="width: 60%;" type="text"/>	Date <input style="width: 20%;" type="text"/>		

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](http://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 the Electoral Commission SA reserves the right to advise officers-in-charge of their capacity to request a scrutineer to vacate those premises if their behaviour is disorderly.

**6. Electoral offences**  
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, and*
- *illegal practices that apply to you, the candidate, also apply to your scrutineers as they act on your behalf.*

# The scrutiny

Ballot paper envelopes received by the returning officer throughout the course of the election are checked daily by electoral officers to determine whether they can be accepted for further scrutiny or rejected. Scrutineers are welcome to view this preliminary scrutiny.

Examples of rejected envelopes include:

- the declaration is unsigned or signed by an unauthorised person;
- the declaration flap is missing;
- ballot papers are returned outside the ballot paper envelope, and
- it is a duplicate of an envelope already received
- where a person completes multiple declarations for lord mayor, area councillor or the same ward.

Following the preliminary scrutiny, all envelopes are stored securely until the commencement of the scrutiny and count.

## The examination and count of ballot papers

Candidates will be advised by correspondence when the scrutiny and count will commence, 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 voting entitlement indicated on the ballot paper envelope.

If there are **more** ballot papers removed from an envelope than were mailed out or different ballot papers than the voter's entitlement, they are placed back into the envelope which is then stored with other rejected envelopes.

When all ballot papers have been extracted from the envelopes, informal ballot papers are set aside, and formal ballot papers are sorted according to 1<sup>st</sup> preference votes for each candidate and counted.

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. You will be advised of the scrutiny location.*

After the distribution of preferences, 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 the 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.

### 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 is still accepted;
- unlike State parliamentary legislation 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 must be set aside as exhausted at a count where the ballot paper does not express a preference for a continuing candidate.

**Ballot paper formality - one candidate to be elected** e.g. mayoral election

To be formal, a ballot paper must have the number 1 (or a ✓ or a ✕) against one of the candidate's names and MAY have further consecutive numbers against other candidates' names.

**Examples of formal ballot papers - 1 candidate to be elected**

BALLOT PAPER	BALLOT PAPER	BALLOT PAPER
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">1</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">✓</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">✕</div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">3</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">3</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">3</div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">2</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">2</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">2</div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">4</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">4</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">4</div> <p>.....</p>

Number 1 or equivalent with further consecutive preferences against other candidates

BALLOT PAPER	BALLOT PAPER	BALLOT PAPER
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">1</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"></div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"></div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">2</div> <p><b>John Smith</b> 29 Wilson Street Paradise</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">✕</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"></div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">3</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"></div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">2</div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">29</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"></div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">✓</div> <p>.....</p>

Elector identifiable, still formal

At least a 1<sup>st</sup> preference

1<sup>st</sup> and 2<sup>nd</sup> preferences

BALLOT PAPER	BALLOT PAPER
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">1</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">1</div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">2</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">3</div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">2</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"></div> <p>.....</p>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">3</div> <p>.....</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">3</div> <p>.....</p>

At least a 1<sup>st</sup> preference

At least a 1<sup>st</sup> preference

**Ballot paper formality - more than one candidate to be elected** e.g. Area/Ward Councillors

Consecutive preferences commencing with the number 1 (or a ✓ or a ✕) **must** be indicated on the ballot paper at least up until the number of candidates to be elected.

For example, if there are 3 councillors to be elected for a ward, for a ballot paper to be formal it must contain the number 1 (or a ✓ or a ✕) against a candidate's name and the numbers 2 and 3 against other candidates' names. Duplication or omission of consecutive numerical preferences up to three is not permissible.

**Examples of formal ballot papers - 3 candidates to be elected**

**BALLOT PAPER**

1	.....
3	.....
2	.....
4	.....
6	.....
5	.....

Full consecutive preferences

**BALLOT PAPER**

✓	.....
3	.....
2	.....
4	.....
6	.....
5	.....

Tick equivalent to 1

**BALLOT PAPER**

✕	.....
3	.....
2	.....
4	.....
6	.....
5	.....

Cross equivalent to 1

**BALLOT PAPER**

1	.....
3	.....
2	John Smith 29 Wilson Street Paradise
7	.....
8	.....
9	.....

Elector identifiable, still formal

**BALLOT PAPER**

3	.....
2	.....
✕	.....
	.....
	.....
	.....

Preferences consecutive to 3

**BALLOT PAPER**

5	.....
4	.....
4	.....
3	.....
2	.....
✓	.....

Preferences consecutive to 3

**Ballot paper informality**

A ballot paper is **informal** if:

- there is no vote marked on it;
- the first preference is not indicated (i.e. the number 1, a ✓ or a ✕ does not appear in or by any square), and
- the number 1, a ✓ or a ✕, or any combination of these appears in or against two or more squares (i.e. more than one first preference indicated).

**Examples of informal ballot papers**

**BALLOT PAPER**

	.....
	.....
	.....
	.....
	.....
	.....

No vote on the ballot paper

**BALLOT PAPER**

2	.....
3	.....
4	.....
5	.....
6	.....
7	.....

No 1<sup>st</sup> preference indicated

**BALLOT PAPER**

1	.....
2	.....
3	.....
4	.....
5	.....
✕	.....

Duplicate 1st preferences

**BALLOT PAPER**

1	.....
2	.....
1	.....
3	.....
4	.....
5	.....

**Informal - 3 candidates to be elected**

**BALLOT PAPER**

1	.....
2	.....
3	.....
3	.....
4	.....
5	.....

Duplicated 3<sup>rd</sup> preference

**BALLOT PAPER**

1	.....
2	.....
4	.....
5	.....
6	.....
7	.....

Missing 3<sup>rd</sup> preference

# Method of vote counting

All council elections are conducted using the vote counting system known as proportional representation (PR).

Electors can select between candidates by numbering the candidates in order of preference. To be elected, a candidate must obtain a quota or proportion of the formal vote. This can comprise 1st preference votes and those received after the distribution of preferences.

Any votes for an elected candidate in excess of the quota (surplus votes) are transferred to candidates remaining in the count according to the next available preference shown on the ballot paper. If any seats remain unfilled, the lowest placed candidates are progressively excluded from the count and their votes transferred to candidates remaining in the count.

Explanations of the system can be found as follows:

- a simple description in flow chart form is provided on page 35;
- a more detailed explanation from page 36;
- an animated example can be found on the website <https://youtu.be/SBy7Qgwi9IQ> and
- detailed examples are located in the Electoral Commission SA booklet 'Proportional Representation (PR) Count Processes and Examples' available on the ECSA website.

## **An election for one vacancy**

Lord mayoral election is conducted for one vacancy. All ballot papers have the vote value of one and there are no surplus votes to distribute.

## **An election for multiple vacancies**

Most councils have either multiple ward or area councillor vacancies at periodic elections. The count principles are the same as those used for elections for a single vacancy. However, the count processes for two or more vacancies are more complicated, as the vote value of ballot papers may not always be equal to one.

## **Data entry counts**

Some complex counts will be completed by data entry at a computer processing count centre.

However, ballot papers will be counted to 1<sup>st</sup> preferences locally before being packaged and transported to a computer processing centre.

You are advised of arrangements and may appoint scrutineers to observe the data entry process.

The preferences from each ballot paper are keyed into count software by a data entry processing operator. When the preferences of all ballot papers have been entered, they are then entered a second time by a different data entry operator.

At the conclusion of this process, the count software generates a report that highlights any discrepancies where the second data entry of the ballot paper preferences does not match the first. In such instances, the non-matching preferences are further examined, and a final determination regarding numbering is made.

Proportional Representation (PR)  
– a simplified explanation

Step 1

1<sup>st</sup> preference votes for each candidate on formal ballot papers are counted. Informal ballot papers are set aside.



Step 2

The quota (Q) is calculated.

$$Q = \frac{\text{Total number of formal ballot papers}}{\text{Number of vacancies} + 1} + 1$$



Step 3

Candidates with votes equal to or greater than the quota are elected.  
If all vacancies have been filled, the election is finished.  
If some vacancies remain unfilled, the votes of elected candidates are checked to see if any received more votes than the quota (surplus votes).

If YES



The successful candidate's surplus votes (those in excess of quota) are distributed to candidates remaining or continuing in the count, according to the next available preference marked on the ballot papers. The surplus votes are distributed at a transfer value (TV):

$$TV = \frac{\text{Surplus votes}}{\text{Total formal ballot papers}}$$

Total votes for each of the continuing candidates are calculated.

- Step 3 is revisited.

If NO



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

*(Note: there are special rules for breaking ties)*

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

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

Under PR, candidates are elected in proportion to their support in the election.

For further explanations of the voting system please refer to the booklet 'Proportional Representation (PR) Count Processes and Examples' on our website.

## A more detailed explanation of the PR vote counting system

The proportional representation (PR) vote counting system is assessed as a 'fair' system for counting votes to fill vacant positions in an election but is more complex than other counting systems, and may take longer to finalise. A candidate is elected after obtaining a quota or proportion of the formal vote.

### Single vacancies

For single vacancies there is a provision for a **simplified count** method for the distribution of preferences to the next available candidate.

Following the first preference count if no candidate has received the number of votes equal or greater than the quota the candidate with the lowest number of first preference votes will be excluded and all parcels received by a candidate following the first preference count will be **grouped together and distributed as one parcel to the next available preference in the count** until a candidate either reaches quota or if there are only two candidates remaining in the count the candidate with the highest number of votes will be elected

### The quota

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

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

*Example:*

*1500 formal ballot papers, 1 vacancy*

$$\text{Quota} = \frac{1500}{1 + 1} + 1 = 751$$

*1000 formal ballot papers, 2 vacancies*

$$\text{Quota} = \frac{1000}{2 + 1} + 1 = 334.333 = 334$$

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

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

### Surplus votes

Candidates who receive a quota, or more, of 1<sup>st</sup> preference votes are elected immediately. The surplus votes of these elected candidates are transferred to continuing candidates according to the next available preference shown on the ballot papers. These ballot papers are distributed at a fraction of their value. Other candidates may now become elected. If two or more candidates are elected at the same stage of the count, the candidate with the largest surplus is said to be elected first. The surplus votes of a candidate elected at an earlier count are always passed on before the surplus of a candidate elected at a later count.

### Transfer value

Surplus ballot papers when transferred do not keep their original value of 1. The value of each transferred ballot paper is calculated by dividing the surplus votes of the successful candidate by the total number of ballot papers received by that candidate.

#### Transfer value (TV) for surplus ballot papers

$$\frac{\text{No. of elected candidate's surplus votes}}{\text{No. of ballot papers received}} \quad (\text{in excess of quota})$$

*Example: Quota = 334, candidate has 450 votes from 450 ballot papers i.e. has 116 surplus votes*

$$\text{TV} = \frac{116}{450} = .257777$$

(6 decimal places, not rounded up or down)

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

### Exclusions

The preferences on ballot papers of the candidate with the least number of votes are examined and the ballot papers passed on to candidates remaining in the count according to the next available preference. Ballot papers are transferred as follows:

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

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

### Finalising the count

The process of distributing surpluses of elected candidates and excluding candidates continues until all vacancies have been filled or until only two candidates remain in the count. At that stage, if neither candidate has a quota, the candidate with the highest number of votes is elected. This is the only situation where a candidate can be elected below quota.

For a Glossary of Proportional Representation (PR) terms refer to page 56.

*\*A candidate may obtain quota by gaining*

EITHER

- a number of 1<sup>st</sup> preference votes equal to or greater than the quota

OR

- a combination of 1<sup>st</sup> preference votes and votes transferred from elected and/or excluded candidates.

# Concluding the election

<b>Provisional declaration</b>	After the count has been completed, the deputy returning officer will make a provisional declaration of the result, in the presence of any scrutineers who may advise you of the count figures. In addition you may obtain the information and the time of the provisional declaration from ECSA.
<b>Results</b>	The results of all elections will be published on the ECSA website at <a href="http://www.ecsa.sa.gov.au">www.ecsa.sa.gov.au</a>
<b>Recounts</b>	<p>An unsuccessful candidate may request a recount, within 72 hours after the provisional declaration.</p> <p>The request must be in writing to the returning officer with information supporting the request to:</p> <p>online: <a href="http://www.ecsa.sa.gov.au/about-ecsa/feedback-and-complaints">www.ecsa.sa.gov.au/about-ecsa/feedback-and-complaints</a> by email: <a href="mailto:ecsa.complaints@sa.gov.au">ecsa.complaints@sa.gov.au</a> by post: Electoral Commissioner Electoral Commission SA GPO Box 646 ADELAIDE SA 5001</p> <p>in person: Level 6, 60 Light Square, Adelaide SA 5000</p> <p>The returning officer will determine the validity of the request and consider whether there is a prospect that a recount would alter the result of the election and advise accordingly.</p> <p><b>Alternatively, the returning officer may initiate a recount.</b></p> <p>Other points to note:</p> <ul style="list-style-type: none"><li>• a scrutineer cannot request a recount for an election</li><li>• a recount cannot proceed without the approval of the returning officer, and</li><li>• a recount will be conducted as soon as possible after the provisional declaration.</li></ul> <p>Following an election for more than one vacancy, if a successful candidate dies between the close of voting and the first meeting of council after the election, the returning officer will recount the votes to determine the next most preferred candidate.</p> <p>Where a recount is conducted, the returning officer, in accordance with the result of the recount, makes a final declaration.</p> <p><b>Candidates for any 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.</b></p>
<b>Final election procedures</b>	<p>The returning officer concludes the election process by:</p> <ul style="list-style-type: none"><li>• confirming any provisional or final declaration;</li><li>• forwarding a return to the council CEO certifying the result of the election;</li><li>• notifying you, by correspondence, of the result of the election;</li><li>• giving public notice of the election result, and</li><li>• preparing and certifying a ballot paper return.</li></ul> <p>You are entitled to request a copy of this return, within three (3) months of the election closing [<i>Local Government (Elections) Act 1999 s51(2)</i>].</p>
<b>Court of disputed returns</b>	<p>The Court of Disputed Returns may consider a petition that disputes 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 <i>Local Government (Elections) Act 1999</i>.</p> <p>A petition to the clerk of the Court must be lodged within 28 days after the conclusion of the election.</p> <p>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.</p>

# 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.

## B. 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.

**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.

### Part 8 – Campaign Donations

#### Division 2 - Returns

#### 23. Returns for candidates

- (1) A person who is a candidate for election to an office of the Adelaide City Council must furnish to the returning officer, in accordance with the requirements of this Part—
  - (a) at the prescribed times – a campaign donations return under this Division; and
  - (b) within 30 days after the conclusion of the election – a campaign expenditure return under this Division; and
  - (c) within the period applying under clause 24A(1) – a large gifts return under this Division.
- (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.
- (3) For the purposes of this section, the prescribed times for furnishing a campaign donations return are—
  - (a) within 7 days of the end of the period commencing from the start of the disclosure period for the election (within the meaning of section 24B(a)) and ending—
    - (i) in the case of a periodic election—21 days after the close of nominations; or
    - (ii) in any other case—7 days after the close of nominations; and
  - (b) within 30 days after the conclusion of the election.

#### 24. Campaign donations returns

- (1) Subject to this clause and clause 24B, a campaign donations return for a candidate for election to an office of the Adelaide City Council must set out—
  - (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
  - (b) the number of persons 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 members of the executive committee (however described) of the association; 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 title 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 campaign donations return need not set out any details required by subsection (1) 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; or
  - (c) a gift disclosed in a large gifts return under section 81A.
- (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.

#### 24A. Large gifts returns

- (1) If—
- (a) a candidate for election to an office of the Adelaide City Council receives a gift or gifts from a person during the disclosure period; and
  - (b) the total amount or value of the gift or gifts is more than the prescribed amount, the candidate must, within the prescribed period, furnish a return to the returning officer.
- (2) A large gifts return must set out—
- (a) the amount or value of each gift; and
  - (b) the date on which each gift was made; and
  - (c) —
    - (i) if the gift or gifts were made on behalf of the members of and 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 or gifts were purportedly made out of 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 or gifts.
- (3) A large gifts return need not be furnished in respect of a private gift made to the candidate.

#### 24B. Disclosure period etc for returns

For the purposes of sections 24 and 24A—

- (a) the **disclosure period** is the period that commenced—
  - (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—12 months before polling day for the election; or
  - (ii) in relation to a candidate in an election who was a new candidate and when they became a candidate in the election was a member of the council by virtue of having been appointed under the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the council; or
  - (iii) in relation to a candidate in an election who was not a new candidate— at the end of 21 days after polling day for the last preceding election in which the person was a candidate,
 and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and
- (b) a candidate is a **new candidate**, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been

- a candidate at a supplementary election held after the last general election of a council; and
- (c) 2 or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as 1 gift; and
  - (d) 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.

**25. Campaign expenditure return**

- (1) Subject to this clause, a campaign expenditure return for a candidate for election to an office of the Adelaide City Council must set out details of all campaign expenditure in relation to the election incurred by or with the authority of the candidate.
- (2) For the purposes of this clause, campaign expenditure, in relation to an election, is expenditure incurred on –
  - (a) the broadcasting of an electoral advertisement relating to the election; or
  - (b) the publishing in a journal of an electoral advertisement relating to the election; or
  - (c) the display at a theatre or other place of entertainment, of an electoral advertisement relating to the election; or
  - (d) the production of an electoral advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b) or (c); or
  - (e) the production of any material (not being material referred to in paragraph (a), (b) or (c)) that is required under section 27 of the *Local Government (Elections) Act 1999* to include the name and address of the author of the material or of the person who is the printer of the material (in the case of printed electoral material); or
  - (f) consultants' or advertising agents' fees in respect of—
    - (i) services relating to the election; or
    - (ii) material relating to the election; or
  - (g) the carrying out of an opinion poll, or other research, relating to the election; or
  - (h) the production and distribution of electoral material that is addressed to particular persons or organisations; or
    - (i) other matters or items of a prescribed kind.
- (3) If a candidate incurred campaign expenditure of a total amount not exceeding \$500 in relation to an election (or incurred no campaign expenditure), the return may be lodged as a "Nil" return.

**26. Certain gifts not to be received**

- (1) It is unlawful for a member of the Adelaide City 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.
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## **27. 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.

## **28. 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.

## **29. 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.

**30. Failure to comply with Division**

- (1) If a person who is required to furnish a return under this Division fails to submit the return within the time required by this Division, 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.
  
- (3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election.

**Note—**

*The office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the Local Government Act 1999.*

**Division 3 - Public access to information**

**31. 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 large gifts return—within the prescribed period after the return is received by the returning officer; and
  - (b) in the case of a campaign donations return required to be furnished at the prescribed time applying under section 80(3)(a)—within 7 days after that prescribed time; and
  - (c) in the case of a campaign donations return required to be furnished at the prescribed time applying under section 80(3)(b)—within 8 weeks after that prescribed time,
 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.

**32. 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 4 – Related Matters**

**33. 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.

**35. 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

### D. 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.
- (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.

# Requirements for candidate profiles under the *Local Government (Elections) Regulations 2010*

## Part 2—Elections and polls

### 5—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.
- (2a) The contact details, statement and information provided under subregulation (2)(d), (e) and (f) (respectively) are excluded from the 1 000 character limit imposed by subregulation (2)(b) and the operation of subregulation (3).
- (3) Subject to subregulation (2a), 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 1 000<sup>th</sup> character.
- (4) 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.
- (5) 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.
- (6) A written consent required under subregulation (2)(c)(iii) must be lodged with the profile.
- (7) Nothing in subregulation (2)(c) prevents a profile including declarations of public policy or promises of public action.
- (8) 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.

# Glossary of electoral terms

<b>Acts</b>	<ul style="list-style-type: none"><li>• <i>City of Adelaide Act 1998 &amp; Regulations</i></li><li>• <i>Local Government Act 1999</i></li><li>• <i>Local Government (Elections) Act 1999 &amp; Regulations.</i></li></ul>
<b>Area Councillor</b>	A person elected to represent electors across the whole of the council area, rather than a particular ward.
<b>Ballot box</b>	The sealed box into which ballot paper envelopes are placed by electors.
<b>Ballot paper</b>	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.
<b>Body corporate</b>	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.
<b>Bribe</b>	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.
<b>Campaign donations return</b>	A return in a prescribed form, which must be completed by any person who is a candidate for election to an office of a council, and lodged with the returning officer within prescribed time periods.
<b>Campaign expenditure return</b>	A return in prescribed form, which must be completed by any person who is a candidate for election to an office of a council, within 30 days after the conclusion of the election, to the returning officer.
<b>Candidate</b>	A person who has nominated for the position of either mayor or councillor. Eligibility criteria for candidates are set out on the nomination form.
<b>Chief Executive Officer (CEO)</b>	The chief executive officer of a council has a specific electoral function to perform for certifying the voters roll.
<b>Close of voters roll</b>	The closing time for enrolment and enrolment changes. In the case of a supplementary election on a day fixed for the close of roll by a proclamation or public notice.
<b>Close of voting</b>	(see Polling Day)
<b>Council</b>	An area constituted under the <i>Local Government Act 1999</i> .
<b>Councillor</b>	A person elected to represent a council ward or area.
<b>Crown Entities (State only)</b>	Includes State government departments, agencies subject to ministerial direction and other government instrumentalities.

<b>Court of Disputed Returns</b>	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. 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.
<b>Declaration of the results</b>	A return forwarded to the council chief executive officer, prepared by a deputy returning officer, certifying the election results and the names of the elected candidates.
<b>Deputy returning officer</b>	A person appointed by the Electoral Commissioner to manage certain delegated election responsibilities.
<b>Designated person</b>	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.
<b>Draw or lot</b>	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'.
<b>Election</b>	Voting for representatives to occupy official positions; the successful candidature of a participant in an election.
<b>Elector</b>	A person, body corporate or group of persons enrolled on the voters roll for a council; a designated person authorised to vote on behalf of a body corporate or group.
<b>Electoral Commission SA (ECSA)</b>	The Electoral Commissioner is the chief executive of the Electoral Commission SA and is the returning officer for all local government elections. ECSA staff assist the Electoral Commissioner in the discharge of statutory duties.
<b>Electoral Commissioner</b>	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.
<b>Electoral material</b>	An advertisement, notice, statement or representation calculated to affect the result of an election or poll.
<b>Electoral material authorisation</b>	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 for its production, if they have a physical address.
<b>Electoral offence</b>	Any action which breaches electoral law as specified by the <i>Local Government (Elections) Act 1999</i> or <i>City of Adelaide Act 1998</i> .
<b>Electoral officer</b>	A person appointed as an electoral officer under the <i>Local Government (Elections) Act 1999</i> and includes the returning officer, deputy returning officer and other persons appointed to assist in election conduct.

<b>Formal ballot paper</b>	<p>One candidate to be elected: a ballot paper is formal if the number 1 appears opposite the name of one candidate.</p> <p>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.</p>
<b>Gift</b>	Money, donations, property and services (other than voluntary labour) provided to another person.
<b>Group</b>	Consists of natural persons or bodies corporate or a combination of both.
<b>Illegal practice</b>	An offence under Part 7 and Part 12 of the <i>Local Government (Elections) Act 1999</i> . The deputy returning officer must forward to candidates, within 16 days of the close of nominations, the legislative framework outlining illegal practices.
<b>Informal ballot paper</b>	A ballot paper which does not comply with the formality rules governing the election and cannot therefore be accepted into the count.
<b>Large gift return</b>	If a candidate receives a gift or gifts from the same donor in excess of the prescribed amount of \$2,500, they must lodge a large gift return with the returning officer within prescribed time periods.
<b>Legislation</b>	(see Acts)
<b>Mayor</b>	The elected leader or principal officer in a council, usually of a city or town. Other titles: Lord Mayor of a capital city council, chairman/chairperson. Normally elected by popular vote.
<b>Name</b>	Name of a candidate for election, includes a name by which the candidate is generally known.
<b>Nomination</b>	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.
<b>Offence</b>	(see Electoral Offence)
<b>Officer of a body corporate</b>	Director, manager, secretary, public officer or person taking part in the management of affairs of the body corporate.
<b>Poll</b>	Either an election or a survey of a particular group.
<b>Polling day</b>	The closing time for the receipt of returned voting material.
<b>Provisional declaration of the result</b>	A public announcement by the deputy returning officer of the names of candidates provisionally elected after the conclusion of counting.

<b>Provisional enrolment</b>	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.
<b>Public notice</b>	A notice placed in the <i>Government Gazette</i> and in a newspaper circulating in the council area. All statutory election notices are public notices with the exception of the notice relating to the use of postal voting.
<b>Ratepayer</b>	A person appearing in the council assessment record as the owner or occupier of rateable property.
<b>Recounts</b>	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.
<b>Regulations</b>	Regulations under the <i>Local Government (Elections) Act 1999</i> and the <i>City of Adelaide Act 1998</i> .
<b>Returning officer</b>	The Electoral Commissioner is the returning officer for each council.
<b>Roll</b>	(see Voters Roll)
<b>Scrutineer</b>	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.
<b>Voters roll</b>	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 may have made application for enrolment.
<b>Voting material</b>	(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.
<b>Voting pack</b>	Voting material mailed to each eligible elector containing: <ul style="list-style-type: none"> <li>• a ballot paper for each contested election</li> <li>• a profile for each of the candidates</li> <li>• a ballot paper envelope (with attached declaration flap)</li> <li>• a postal voting guide</li> <li>• a reply-paid envelope to contain the voter's completed ballot material.</li> </ul>
<b>Ward</b>	A division of a council area.
<b>Withdrawal of nomination</b>	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.

# Glossary of proportional representation (PR) terms

<b>Continuing candidate</b>	A candidate not already elected or excluded from the count.
<b>Exclusion</b>	The elimination of a candidate from the vote counting process through failure to acquire sufficient votes to remain in contention for a vacancy.
<b>Exhausted ballot paper</b>	A ballot paper that can no longer be used in the count as it expresses preferences for a limited number of candidates (at least as many as there are vacancies), not all.
<b>Loss by fraction</b>	<p>The transfer of ballot papers with a transfer value of less than 1 may result in a loss of votes which occurs when ballot papers showing the next available preference for a particular continuing candidate are multiplied by the transfer value and the result is a number with a remainder. These remainders are ignored.</p> <p>eg Transfer value = 0.074321</p> <p>Number of ballot papers = 431 No. of ballot papers x transfer value <math>431 \times 0.074321 = 32.032351</math> The result is 32.</p> <p>Even where the result is, e.g. 32.999999, the result is 32, not 33.</p> <p>When several remainders occur, they can mount up to a loss of whole votes and are recorded as such on the scrutiny sheets.</p>
<b>NAP - Next available preference</b>	<p>Ballot papers are transferred from an elected or excluded candidate according to the 'next available preference' marked on the ballot paper for a <i>continuing</i> candidate.</p> <p>If the next available preference is for a candidate who has already been elected or excluded, the ballot paper is transferred according to the next available preference <i>after that candidate</i>.</p> <p>If there is no next available preference on the ballot paper, the ballot paper with no such NAP is set aside as <i>exhausted</i>.</p>
<b>NV – No value</b>	<p>Instances can occur where by applying the transfer value to a number of ballot papers, the result is a figure less than 1.</p> <p>e.g. 32 ballot papers x TV of 0.012543 = 0.401376</p> <p>Such a result is recorded on the scrutiny sheets as <i>NV</i> (no value).</p>
<b>Optional preferential</b>	This method allows the elector to vote for only the candidate most preferred or for some or for all candidates.
<b>Order of election</b>	<p>This is determined by the count at which a candidate achieves quota, with a candidate gaining quota earliest having priority. If two or more candidates are elected at the same count, the candidate with the largest surplus is said to be elected first.</p> <p>The order of election is significant where there are surpluses to be transferred. The surplus votes of the candidate elected earliest are always distributed before those of later elected candidates.</p>
<b>Preferential voting</b>	A voting system in which voters are required to mark the ballot paper with consecutive numbers indicating the order in which the various candidates are preferred.
<b>Proportional representation - PR</b>	A system designed to ensure that seats in the elected body are allocated as nearly as possible in proportion to the votes received. It is usually used for the election of candidates in multi-member electoral districts.

Electors are able to choose between candidates by numbering the candidates in order of preference. To be elected a candidate must obtain a quota or proportion of the formal vote. This can comprise 1<sup>st</sup> preference votes and those received after the distribution of preferences. Any votes in excess of the quota are transferred to second and subsequent preferences. If any seats remain unfilled, the lowest placed candidates are progressively excluded from the count and their votes transferred to candidates remaining in the count. This system is used for the South Australian Legislative Council, local council and a number of medical board elections and Commonwealth Senate elections.

## Quota

The term used for the number of votes which a candidate must receive in order to be elected.

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

$$Q = \frac{V}{S + 1} + 1$$

**Q** is the *quota* of votes necessary for election

**V** is the total number of *formal votes* or *ballot papers*

**S** is the number of seats to be filled.

Proportional Representation Count		
Guide as to the proportion of the vote needed to be elected		
No. of vacancies		% of formal vote required to be elected
1	All mayoral elections	50% + 1 vote
2		33.3%
3		25.0%
4		20.0%
5		16.6%
6	Senate (Federal)	14.2%
7		12.5%
8		11.1%
9		10.0%
10		9.0%
11	Legislative Council (State)	8.3%
12		7.6%
13		7.1%
14		6.6%
15		6.2%

## Surplus

Votes received by an elected candidate in excess of quota.

## Transfer value (TV)

The value at which ballot papers are transferred to candidates remaining in the count (i.e. not already elected or excluded), provided further vacancies remain. A surplus is distributed to other candidates by transferring all the ballot papers of the elected candidate. Each ballot paper is regarded as representing only a fraction of a vote, so that the total value of the transferred ballot papers is only equal to the number of votes in the surplus. This fractional value is called the 'transfer value'. For council and SA Legislative Council elections the transfer value is applied as follows:

(1) Where a candidate is elected with a surplus of 1<sup>st</sup> preferences:

Candidates surplus 1<sup>st</sup> preferences

Total number of 1<sup>st</sup> preferences

(2) Where a candidate reaches quota through transferred votes:

Surplus votes above quota

Total number of ballot papers received.





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