

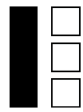
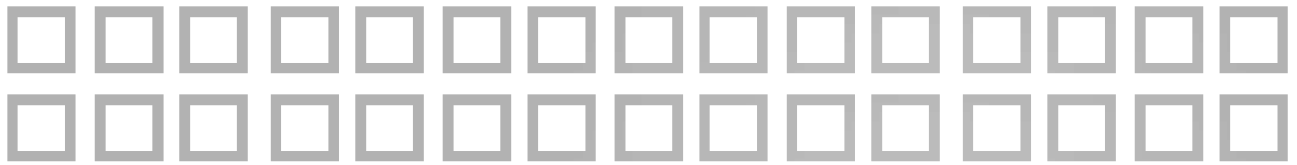


# ACT ELECTION 2024

30 SEPTEMBER - 19 OCTOBER

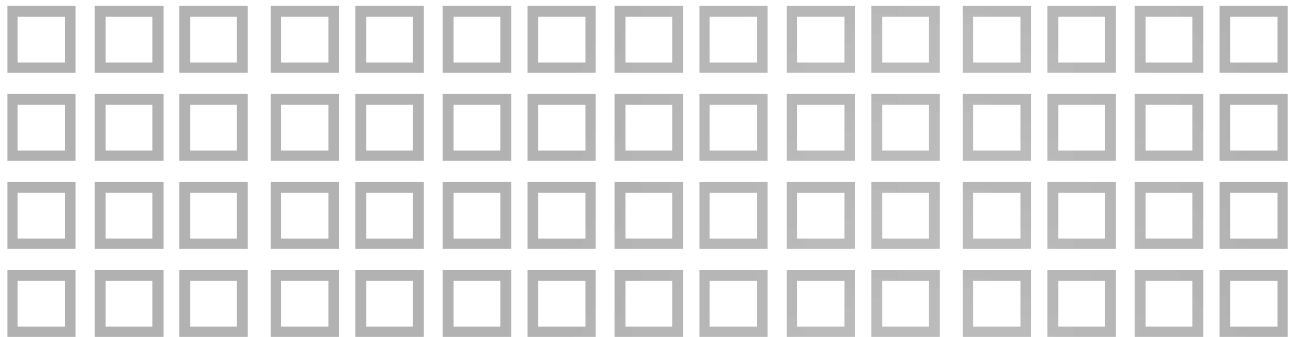
## Candidate Information





**Elections** ACT

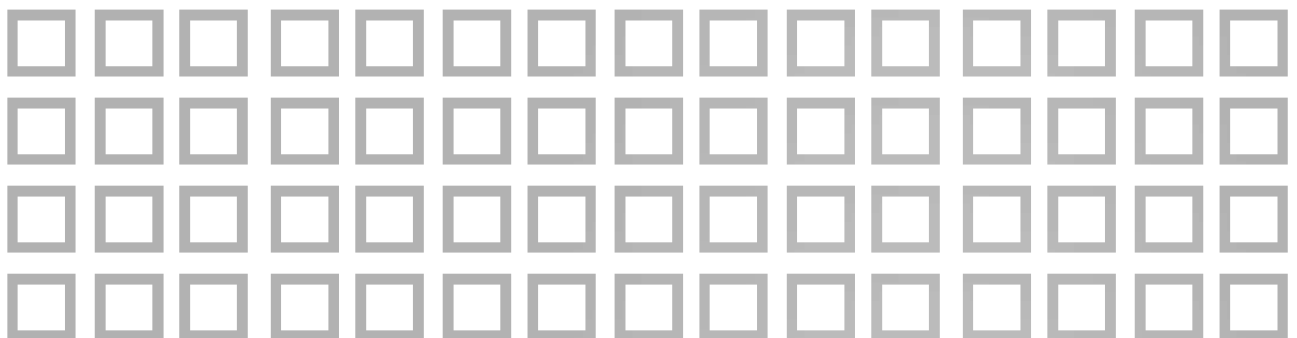
ACT ELECTORAL COMMISSION OFFICERS  
OF THE ACT LEGISLATIVE ASSEMBLY



# Candidate Information Handbook

***ACT Legislative Assembly election  
30 September - 19 October 2024***

as at February 2024





## Accessibility

Elections ACT is committed to making its information and services accessible to as many people as possible.

- If you have difficulty reading a standard printed document and would like to receive this publication in an alternative format – such as large print or audio – please telephone 02 6205 0033.
- If English is not your first language and you require the translating and interpreting service – please telephone 13 14 50.
- If you are deaf or have a hearing impairment or speech impairment, contact us through the National Relay Service:
  - TTY users phone 133 677 then ask for 02 6205 0033
  - Speak and Listen users phone 1300 555 727 then ask for 02 6205 0033
  - Internet relay users connect to NRS ([www.relayservice.com.au](http://www.relayservice.com.au)) and then ask for 02 6205 0033
- ACT Interpreter Service – for the deaf and blind – please telephone 02 6287 4391.

**This handbook is current as at 5 February 2024**

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# Introduction

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## How to use this handbook

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If you are thinking of being a candidate at the 2024 ACT Legislative Assembly election, this handbook will provide you with what you need to know, and what you need to do.

If at any time you are not sure of the next steps, please contact Elections ACT staff for assistance. Contact details can be found on page 3.

The handbook is divided into sections that provide information about the various stages of the election, and how it is relevant to candidates and those who are assisting them.

There are a number of things that a candidate must not do during an election. Penalties apply for breaches of the *Electoral Act 1992* (Electoral Act). These are set out in the **offences** section (see page 29). Some offences apply at all times, while others apply only during specific periods during the election.

The **glossary** section (see page 39) provides an explanation of the terms used in the handbook.

There is also a *Scrutineers information handbook* that sets out all the information that your scrutineers will need to know. Copies can be downloaded from the Elections ACT website under 'information for candidates' at [www.elections.act.gov.au](http://www.elections.act.gov.au) or obtained from the Elections ACT office.

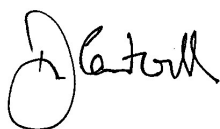
**Candidates should also read the *Election funding, expenditure and financial disclosure handbook – 2024 election***, which explains the obligations of candidates under the ACT election funding, expenditure and financial disclosure scheme as it will apply with respect to the 2024 ACT election. A copy of this handbook will be available on the Elections ACT website under '[Funding, expenditure and disclosure](#)'.

## Disclaimer

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This handbook is intended to summarise the electoral law relating to candidates for the ACT Legislative Assembly, but it is not a substitute for the law.

Candidates and other interested persons are advised to obtain a copy of the Electoral Act from [www.legislation.act.gov.au](http://www.legislation.act.gov.au) and seek their own legal advice if necessary.



Damian Cantwell AM CSC  
Electoral Commissioner

20 November 2023

## Candidate's election checklist

✓	Key activities	Deadline	See page
<input type="checkbox"/>	I am aware of the key election dates for the election	Before nominating	3
<input type="checkbox"/>	I have confirmed that I am qualified to nominate	Before nominating	7
<input type="checkbox"/>	I have confirmed that, if I am elected, I will be qualified to be an MLA	Before nominating	6
<input type="checkbox"/>	I have familiarised myself with the offence provisions relating to elections	Before you start campaigning	29
<input type="checkbox"/>	I am aware of the requirements and responsibilities regarding electoral advertising, especially with respect to authorisation of advertisements, including on the internet	Before you start campaigning	13, 31-34
<input type="checkbox"/>	I am aware of the rules relating to gifts received and election expenditure incurred	Before you start campaigning	16-18
<input type="checkbox"/>	I am aware of my responsibilities under the election funding, expenditure and financial disclosure provisions of Act and have familiarised myself with the Election funding, expenditure and financial disclosure handbook – 2024 election	Before nominating	26
<input type="checkbox"/>	I am to be endorsed by a registered political party or I have obtained the signatures of at least 20 electors entitled to vote in the electorate for which I want to be a candidate	Before nominating	8
<input type="checkbox"/>	I have provided all the information required on the nomination form and I have signed it	Before nominating	8
<input type="checkbox"/>	I have requested on the nomination form that the word independent be printed on the ballot paper next to my name (this is optional and only applies to candidates not endorsed by a political party)	12 noon 24 Sept 2024	9
<input type="checkbox"/>	I have lodged my nomination form, or confirmed that my party's registered officer has lodged it, with the nomination deposit of \$250 paid via EFTPOS or in cash or banker's cheque	12 noon 24 Sept 2024	8
<input type="checkbox"/>	I am aware that I am not permitted to take any part in the official conduct of the election (this does not include campaigning)	Before campaigning	13
<input type="checkbox"/>	I am aware that I can appoint scrutineers to represent me at polling places and at the various counts	Before election day	18
<input type="checkbox"/>	I have appointed scrutineers by completing and signing the appropriate appointment forms (optional)	Before election day	18
<input type="checkbox"/>	I am aware of the requirements and procedures that may lead to a recount of votes	Prior to scrutiny commencing	25
<input type="checkbox"/>	I am aware of the requirements and procedures for disputing an election result	Before declaration of the result	28
<input type="checkbox"/>	I have lodged my financial disclosure return (or my agent has done so) by the due date (non-party candidates only)	Within 60 days of election day	26



## 2024 election dates

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Activity	Date
Last day for applying to register a political party	30 June 2024
Close of register of political parties	12 September 2024
Pre-election period commences / nominations open	13 September 2024
Preliminary roll close	6pm 13 September 2024
Nominations close	12 noon, 24 September 2024
Nominations declared / ballot paper order determined	12 noon, 25 September 2024
Postal voting commences	30 September 2024
Attendance early voting commences	8 October 2024
Attendance early voting concludes	8pm, 18 October 2024
Election day	8am – 6pm 19 October 2024
Last day for receipt of postal votes	25 October 2024
Distribution of preferences completed not earlier than	26 October 2024

## Assistance and enquiries

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Elections of Members of the ACT Legislative Assembly are administered by the ACT Electoral Commissioner and the staff of Elections ACT.

Assistance on any aspect of the election may be obtained from the staff of Elections ACT. Enquiries and requests for copies of this handbook should be directed to Elections ACT.

### Locality address:

ACT Electoral Commission  
Nara Centre, 3 Constitution Avenue  
CANBERRA CITY ACT 2601

### Postal address:

ACT Electoral Commission  
GPO Box 172  
CANBERRA ACT 2601

**Phone:** (02) 6205 0033

Email: [elections@act.gov.au](mailto:elections@act.gov.au)

**Elections ACT website:** [www.elections.act.gov.au](http://www.elections.act.gov.au)

## Redistribution of electoral boundaries

---

A redistribution of electoral boundaries for the ACT Legislative Assembly commenced in October 2022 and concluded in September 2023. The final redistribution determined the boundaries for five electorates each with five members for the 2024 ACT Legislative Assembly election.

The five electorates for the 2024 ACT election are:

- **Brindabella** – a five-member electorate comprising the district of Tuggeranong, and the districts of Booth, Cotter River, Paddy’s River, Rendezvous Creek, Tennent and Mount Clear;
- **Ginninderra** - a five-member electorate comprising the district of Belconnen (excluding the suburbs of Giralang and Kaleen);
- **Kurrajong** - a five-member electorate comprising the districts of Canberra Central (excluding the suburbs of Deakin, Forrest, Red Hill and Yarralumla), and the districts of Jerrabomberra (including the suburb of Hume), Kowen and Majura;
- **Murrumbidgee** - a five-member electorate comprising the districts of Molonglo Valley, Weston Creek, Woden Valley, Coree (including the village of Uriarra) and Stromlo, and the Canberra Central suburbs of Deakin, Forrest, Red Hill and Yarralumla; and
- **Yerrabi** - a five-member electorate comprising the districts of Gungahlin and Hall and the Belconnen District suburbs of Giralang and Kaleen.

# Map of ACT electoral boundaries for the 2024 ACT election



# What you should know before you nominate

---

This section describes the qualifications required to be a Member of the Legislative Assembly (MLA) and to be nominated as a candidate for election as an MLA. It also describes the employment rules that apply for public servants who nominate as candidates in ACT Assembly elections.

## Qualifications to be a Member of the ACT Legislative Assembly

---

To be eligible to be an MLA, a person must be:

- An Australian citizen;
- At least 18 years of age; and
- An elector or entitled to be an elector.

To be entitled to be an elector on the ACT electoral roll, a person must also have a current place of living in the ACT and have had a place of living in the ACT for at least the preceding month. (A candidate is not required to live in the electorate for which they are standing.)

A person is not entitled to be an elector if:

- Because of unsound mind, they are incapable of understanding the nature and significance of enrolment and voting;
- They have been convicted of treason and has not been pardoned; or
- Under the *Migration Act 1958 (Cth)*, they are the holder of a temporary visa or is an unlawful non-citizen.

A person is not eligible to be an MLA if:

- The person is a member of the Commonwealth Parliament or the legislature of a State or another Territory of Australia;
- The person:
  - holds an office or appointment (other than the office of Speaker, Deputy Speaker, Chief Minister, Deputy Chief Minister, Minister or MLA) under a Commonwealth, State or Territory law; or
  - is employed by the ACT, the Commonwealth, a State or another Territory, or by a Territory authority or a body (whether corporate or not) established by a law of the Commonwealth, a State or another Territory;

and they are entitled to any remuneration or allowance (other than reimbursement of expenses reasonably incurred) in respect of the office, appointment or employment;

- The person is under a sentence of imprisonment for one year or longer for a conviction of an indictable offence; or
- The person has, within the preceding two years:
  - been convicted of an offence related to bribery, violence or intimidation under the Electoral Act or
  - been convicted of an offence related to interfering with political liberty under the Commonwealth *Crimes Act 1914* (Cth) or the Criminal Code 2002, or
  - been found by the Court of Disputed Elections to have contravened one of the above laws.

## Qualifications to be nominated for election as an MLA

---

A person is eligible to be nominated for election as an MLA if, at the hour of nomination (12 noon 25 September 2024):

- The person is eligible to be an MLA; or
- The person would be eligible to be an MLA but for the fact that the person holds an office or appointment under a Commonwealth, State or Territory law or is employed by the Territory, the Commonwealth, a State or another Territory.

## Do public servants or public office holders have to resign before contesting an election?

---

A person who holds public office or employment is eligible to be nominated under the Electoral Act but is not eligible to be an MLA. A candidate who holds public office or employment should resign from that office or employment before the official declaration of the election result after election day if, following the counting of votes, that candidate is to be declared elected.

Any public office holders or public servants considering contesting an election are advised to seek their own legal advice on their particular circumstances. In addition, advice should be sought from the relevant employer or service as to whether such a potential candidate is under any obligation to take leave or to resign their office or employment under the relevant conditions of service.

## The Code of Conduct for MLAs

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It is suggested that candidates familiarise themselves with the Code of Conduct for Members, which is a resolution of continuing effect agreed to by the Legislative Assembly. The resolution is contained in the standing orders, which can be accessed by visiting the ACT Legislative Assembly's website at [www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders](http://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders)

## Nominating as a candidate

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A nomination must be made using the approved form provided by Elections ACT and be given to the Electoral Commissioner within the nomination period. A nomination deposit must be paid at the same time the nomination is given to the Commissioner.

The approved nomination form will be available in early September 2024 upon request. Elections ACT can email or post the nomination form or alternatively, a hard copy of nomination form can be picked up from the Elections ACT's office.

To be correctly completed, a nomination form **must** be **signed by the candidate(s) and:**

- For a **party candidate**, the form must be signed by the registered officer or a deputy registered officer of the party; or
- For a **non-party candidate**, the form must be signed by at least 20 electors who are on the electoral roll and entitled to vote for the electorate for which the candidate is standing.

Each candidate must sign a statement on the nomination form to the effect that the candidate consents to the nomination and declares that they are eligible to be nominated.

## Who can nominate candidates?

---

Candidates can be nominated in two ways:

- **Party candidates** can be nominated by the registered officer of a registered political party (or by a duly appointed deputy registered officer); and
- **Non-party candidates** can be nominated by at least 20 electors who are entitled to vote for the electorate for which the candidate is being nominated.

## When can candidates be nominated?

---

Nominations open on 13 September 2024 and close at 12 noon on 24 September 2024.

Candidates are advised to submit their nomination forms well before the close of nominations to allow time for any errors to be corrected before nominations are closed. If a person's nomination is submitted so close to the cut-off that an error that could otherwise be corrected cannot be, the person could miss out on being successfully nominated as a candidate.

## Deposit

---

A deposit of \$250 must accompany each candidate's nomination. EFTPOS funds transfer is the preferred method of payment. Cash or banker's cheque are permissible, although not preferred. A personal cheque is not acceptable.

The deposit is returned to the person who paid the deposit, or someone else authorised by that person (as indicated in writing on the nomination form), if:

- The candidate is elected; or
- At the time at which the candidate is excluded during the counting of preferences, the candidate's total votes equal or exceed 20% of the quota for the election; or
- The candidate is neither elected nor excluded during the counting of preferences and the candidate's total votes equal or exceed 20% of the quota for the election at any stage of the count.

## How candidates' names appear on ballot papers

---

A candidate can specify on the nomination form how they wish their name to appear on the ballot paper, subject to the following restrictions:

- The surname or family name of a candidate must be the same as the surname or family name under which they are enrolled or entitled to be enrolled.
- The given name of a candidate can be the same as any given name under which they are enrolled or entitled to be enrolled, or a commonly accepted variation of that name (including an abbreviation or truncation of that name or an alternative form of that name), or an initial for that name. A candidate may give more than one given name, but there is no obligation to do so. Nicknames cannot be used.
- A candidate's name must be written in the alphabet used for the English language.

## Non-party candidates

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A non-party candidate can choose to have the word "Independent" printed under their name on the ballot paper.

The option to have the word "Independent" printed on the ballot paper is made on the nomination form.

## What happens after you have nominated

---

This section describes what happens after you have lodged your nomination form with the Electoral Commissioner, including whether you can withdraw your nomination.

### Can a person be nominated more than once?

---

No. If, at the hour of nomination (12 noon on 25 September 2024) a person is nominated to be a candidate more than once, **all nominations** from that person will be deemed as invalid and they will not be listed as a candidate.

### Can a nomination be rejected?

---

Yes. The Electoral Commissioner will reject a nomination if a nomination form has not been correctly completed in accordance with the Electoral Act.

A nomination will also be rejected if it is not accompanied by the required deposit.

The Electoral Commissioner must also reject a nomination where, in the Commissioner's opinion, the name under which the candidate is nominated is obscene, is frivolous or has been assumed for a political purpose.

If a nomination is rejected, the Commissioner will give the person whose nomination is rejected a written notice setting out the reasons for the rejection.

If nominations have not yet closed, a candidate whose nomination has been rejected may, in some circumstances, be renominated. If this later nomination is in order, the candidate's nomination will be accepted. For this reason, it is advisable to submit all nominations before the last day for nominations to allow time for defective nominations to be corrected.

### Can a nomination be withdrawn?

---

Yes. A nomination can be withdrawn up until the time nominations close (12 noon on 24 September 2024). After that time a nomination cannot be withdrawn.

Any person nominated to be a candidate may withdraw their consent to the nomination by giving the Electoral Commissioner a written notice of withdrawal. The registered officer of a party may also cancel a nomination made by the officer by giving the Electoral Commissioner a written notice of cancellation.

An official notice for this purpose can be obtained from Elections ACT.

If a nomination is withdrawn or cancelled, the deposit will be refunded.

### Uncontested elections

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If the number of candidates nominated in an electorate is no greater than the number of candidates to be elected in the electorate, an election will not be held in that electorate. At the declaration of the poll the Electoral Commissioner will declare each of those candidates elected.

### Death of a candidate

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Where a person nominated as a candidate dies before the hour of nomination (12 noon on 25 September 2024), that person will be taken not to have been nominated.

Where a person nominated as a candidate dies after the hour of nomination (12 noon on 25 September 2024) but before election day, that person will be treated as a candidate and will



appear on the relevant ballot papers. Any votes cast for that candidate will be counted to the next available preference (if any) indicated on each such ballot paper.

In either case, the deposit lodged will be returned to the person who paid the deposit, or someone authorised in writing by that person, or if the candidate paid the deposit, it will be returned to the deceased's personal representative.

## Declaration (announcement) of nominations

---

At the hour of nomination (12 noon on 25 September 2024) the Electoral Commissioner will publicly announce the names of all the candidates whose nominations have been accepted. This declaration is a public event and anyone, including the candidates and their supporters, can attend. Candidates and parties will be notified of the location.

The announcement of the names of the candidates is immediately followed by the draw for position of groups and candidates on the ballot paper.

## Candidate statements

---

Candidates contesting the ACT election may provide the Electoral Commissioner with information about the candidate for publication on the Elections ACT website.

Candidates or the registered officer of a political party may provide to the Commissioner:

- A photograph of the candidate;
- A statement about the candidate of not more than 500 words; and
- The contact details for the candidate which may include a link to a website used by the candidate for the purpose of the election.

Elections ACT will make a website portal available for the lodgement of candidate statements and photographs from the beginning of the nomination period. Candidate statements and photographs may also be lodged at the point of nomination. It is preferred that candidate statements and photographs are provided in a digital format.

The supplied information will be published on the Elections ACT website as soon as practicable after the declaration of nominations and as soon as practicable after appropriate quality assurance processes have been completed to ensure the Commissioner is satisfied on reasonable grounds that the contents is not *obscene, defamatory or otherwise unlawful*.

Candidate statement information may be revised by the candidate **only once**, within 14 days after the publication of the candidate's information.

# How party groups and names will appear on the ballot paper

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This section describes the way party groups and candidate names are arranged on the ballot paper.

## Draw for positions on the ballot paper

---

As soon as the names of the candidates have been announced, the Electoral Commissioner will conduct a random draw for the position of the groups of party candidates on the ballot paper and for the order of candidates in each column. This occurs at the same place as the announcement of the candidate names and is also open for anyone to observe.

The draw for position of groups of party candidates is conducted by a double randomisation method.

The draw for the order of the candidates in each column is a single randomisation method. This draw establishes the starting positions of candidates in each column.

Candidates' names will be printed in each column using "Robson rotation". Candidates' names in each column are printed in different orders on consecutive ballot papers so that no candidate in a column has the advantage of appearing in the same position on every ballot paper.

## Grouped party candidates

---

Where two or more candidates are nominated in the same electorate by a registered party, those candidates are grouped together on the ballot paper. Grouped party candidates will be identified on the ballot paper by the registered name or abbreviation of the party appearing at the top of the column.

As well as their party name, grouped party candidates will also be identified on the ballot paper by a letter—the left-hand group labelled "A", the next "B" and so on.

## Ungrouped party candidates

---

Where only one party candidate is nominated for a particular party in an electorate, that candidate will be included in an "ungrouped" column. Ungrouped party candidates will be identified on the ballot paper by the registered name or abbreviation of the party.

## Non-party candidates

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Non-party candidates are listed in an "ungrouped" column on the ballot paper.

## Ungrouped columns

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All ungrouped party and non-party candidates will be included in one or more "ungrouped" columns on the right-hand side of the ballot paper.

# What you can, cannot and must do as a candidate

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## Campaigning

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Candidates can commence their campaign for election at any time. There is no requirement for candidates to be formally nominated or to have had their nomination declared by the Electoral Commissioner before they may start campaigning.

Campaigning can take many forms, including advertising in the press, on radio and television, through websites and social media platforms, through distribution of pamphlets, flyers and posters, emails, public relations exercises or meeting the public face to face. How a candidate conducts their campaign is entirely up to the candidate (or the party they represent) within the confines of the law.

However, there are legal requirements that must be met. Most campaign material, other than advertisements on radio and television, must be authorised in compliance with the Electoral Act. Radio and television advertising is regulated separately by the Australian Communications and Media Authority (ACMA) under the Commonwealth's *Broadcasting Services Act 1992* (Cth).

### Authorising advertisements

Most 'electoral matter' (see glossary) whether in printed or electronic form must include an authorisation statement, unless it falls within one of the exceptions listed below. **This includes advertisements placed on the internet and on social media platforms.**

Requirements for authorisation are set out in detail in the fact-sheet on authorising electoral material, which is available at:

[www.elections.act.gov.au/publications/act\\_electoral\\_commission\\_fact\\_sheets](http://www.elections.act.gov.au/publications/act_electoral_commission_fact_sheets)

Particular items to note include:

- An authorisation statement included with electoral matter published by or on behalf of a registered political party or a candidate for an election or an entity must cover three required elements. It must contain:
  - the first and last name of the person authorising the material, or its author;
  - a statement to the effect that the named person authorised, or is the author of, the material; and
  - if the matter is published for or on behalf of a registered political party, a candidate in an election or a person who has publicly indicated that they intend to be a candidate for election, the material must include a statement to the effect that the matter is published for the party, candidate or person.
- or
- If the matter is published for or on behalf of an entity other than a registered political party or candidate, the material must include a statement to the effect that the matter is published for the entity and the full name of the entity.
- The three elements must be connected, but that does not necessarily mean they have to be in the one statement or appear in the same place. The requirement is that these elements are included in the matter being published.
- An authorisation statement should appear on a party's or candidate's website in such a way that there is a clear connection between the electoral matter and the authorisation statement.
- Media releases issued by an MLA do not need an authorisation statement provided they include an indication that they are an MLA.

- Media releases issued by candidates who are not MLAs should include an authorisation statement.

Examples of standard authorisation statements:

- Authorised by Jan Brown for ABC Party.
- Authorised by Jon Smith on behalf of ABC Party.
- Authorised by Jan Brown for Julie Smith.
- Authorised by Jon Smith on behalf of Julie Smith.
- Authorised by Jim Jones candidate for Yerrabi
- Authorised by Tom White on behalf of [full name of the entity]

Penalties apply for non-compliance with the authorisation requirements.

Following amendments to the Electoral Act commencing from 29 November 2023, authorisation statements must also comply with **language requirements** and **form and access requirements**.

The **language requirements** for a statement are:

- if the matter is communicated in English only—the required information is communicated in English;
- if the matter is communicated only in a language other than English—the required information is communicated in English and the other language used in the matter;
- if the matter is communicated in 2 or more languages—the required information is communicated in English and at least 1 other language used in the matter.

The **form and access requirements** for a statement are:

- for electoral matter disseminated in print form—the required information is
  - communicated in text; and
  - printed in a way that the information—
    - cannot be removed or erased under normal conditions or use; and
    - will not fade, run or rub off;
- for electoral matter that is an audiovisual recording or communication (other than matter mentioned in paragraph (d), (e) or (f))—the required information is communicated in both speech and text;
- for electoral matter that is an audio recording or communication (other than matter mentioned in paragraph (d), (e) or (f))—the required information is communicated in speech;
- for electoral matter disseminated using a webpage (other than matter mentioned in paragraph (e))—the required information is communicated in text in the footer of the webpage;
- for electoral matter disseminated on social media using an account that is in the name of an individual—the required information is communicated in text by a link in the matter or in a reasonably prominent place on the account;
- for electoral matter not mentioned in paragraphs (a) to (e)—the required information is communicated in a reasonably prominent place;
- for any required information to be communicated in text—the text is—
  - reasonably prominent; and

- (ii) legible at a distance at which the matter is intended to be viewed; and
- (iii) displayed in a colour that contrasts with the background on which it appears; and
- (iv) is not placed over complex images or multicoloured backgrounds.

The Electoral Commission advises that, although exceptions for an authorisation statement exist (as described above), the inclusion of an authorisation statement on all electoral matter is a suitable way to ensure that compliance is achieved where necessary.

### **Misleading electoral advertising**

It is an offence to disseminate, or authorise the dissemination of, an advertisement containing electoral matter that contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

### **Prohibition on canvassing within 100 metres of a polling place**

Canvassing for votes of any kind is not permitted within 100 metres of a building in which there is a polling place, during the hours of polling. Maps of the 100 metre boundaries for each polling location are provided on the Elections ACT website in the lead up to the election period. The Officer in Charge (OIC) of a polling place will also provide advice and direction as to where the specific 100 metre boundary is located for that polling place.

The 100-metre rule applies to any polling place, including mobile polling in places such as hospitals, nursing homes, prisons, remand centres and locations servicing people experiencing homelessness. Any building where a mobile polling team is operating, during the time that mobile polling is occurring, is deemed to be a polling place for the purpose of the 100 metre ban on political canvassing.

Unlike campaigning rules for federal elections, mobile polling staff are not permitted to distribute campaign material to voters on behalf of candidates. Furthermore, any such campaign material may not be given to administrative staff of such institutions for the purpose of distribution by the institution on behalf of a candidate.

The 100-metre ban on canvassing applies to the placement, display or handing out of posters, pamphlets or bunting that contains electoral matter, including handing out how to vote cards to voters. The ban also applies to personal canvassing by candidates or party workers, whether or not they are handing out any canvassing material.

### **Activity and signs in public places**

The Transport Canberra and City Services Directorate (TCCS) administers the laws relating to the placement of signs in public places and activity on unleased public land in the ACT. Visit the TCCS website at [www.cityservices.act.gov.au/city-living/city-rangers/movable\\_signs](http://www.cityservices.act.gov.au/city-living/city-rangers/movable_signs) for the code of practice for movable signs and critical information on appropriate conduct for the placement of electoral advertising.

The code of practice recognises the Electoral Act and the Referendum Act (for the ACT and the Commonwealth) by requiring that signs conform to the requirements of any relevant provisions of those Acts. There are a number of areas where signs may not be placed, including on median strips of roads, within 20 metres of traffic lights, on residential nature strips, adjacent to roads with a 90km/h or higher speed limit or within 20 metres of a corner of an intersection, etc.

Any matters or issues relating to the placement of political advertising posters and signs in public places will be referred to the TCCS Directorate.

A permit is required when undertaking an activity on unleased public land in the ACT, such as hosting a political stall at a shopping centre for campaigning purposes. For further information on using public unleased land refer to the TCCS Directorate [www.cityservices.act.gov.au/city-living/public-land-use](http://www.cityservices.act.gov.au/city-living/public-land-use)

Under the *Public Unleased Land Act 2013*, an authorised person may immediately remove electoral advertising signs, without providing prior notice to the owner of the sign, from public unleased land where the signs are not compliant with statutory requirements.

Transport Canberra and City Services (TCCS) advises that if attaching candidate posters on bill poster silos, the posters are required to be attached using a non-toxic and easy to remove medium such as a flour and water paste or environmentally friendly tape. No strong adhesives and metal fasteners are to be used. If cable ties are used they are to be removed with the posters. For further information on the placement of posters across Canberra, contact TCCS on 13 22 81.

## Radio and television

Authorisations for TV and radio political advertising are regulated under the Commonwealth's Broadcasting Services Act 1992 (Cth). The responsible authority is ACMA. The relevant rules for TV and radio political advertising are set out on the Australian Communications and Media Authority's website at [www.acma.gov.au/publications/2019-11/guide/political-and-election-matter-guidelines](http://www.acma.gov.au/publications/2019-11/guide/political-and-election-matter-guidelines).

Election advertising in the electronic media is subject to a "blackout" from midnight on the Wednesday before election day until election day. This is a requirement of the Broadcasting Services Act. The blackout does not relate to news broadcasts, the printed media or to advertising on the internet.

For further information contact the Australian Communications and Media Authority. For ACT elections, the blackout only applies to election advertisements related to an ACT election that are broadcast in or across the ACT.

## Rules relating to gifts received and expenditure incurred

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The Electoral Act requires the disclosure of gifts received and imposes limits on the amount of electoral expenditure that may be incurred during the capped expenditure period.

### Financial representatives/Reporting agents

The financial representative of a political entity in the ACT is responsible for submitting any financial disclosure returns required of that entity.

The financial representative:

- For a **party grouping** or **political party**, is the reporting agent of the party. If a reporting agent has not been appointed, then the registered officer of the party is taken to be the reporting agent;
- For an **MLA**, is the MLA by default. Although, the MLA may formally appoint a reporting agent;
- For a **non-party candidate**, is the candidate by default. Although, the candidate may formally appoint a reporting agent.

A party, MLA or candidate may appoint up to two reporting agents.

Reporting agents must be appointed using the form available at:

[www.elections.act.gov.au/funding\\_and\\_disclosure/Publications](http://www.elections.act.gov.au/funding_and_disclosure/Publications)

### Caps on electoral expenditure

There is a limit on the amount of money that can be spent on an ACT election campaign during the capped expenditure period.

The capped expenditure period for the 2024 election is from **1 January 2024** until the end of election day on **19 October 2024**.

The expenditure cap amounts for the 2024 election are:

- For a party grouping - \$50,135 per party candidate to a maximum of 25 candidates (5 candidates for each of the 5 electorates), allowing for \$1,253,375 total expenditure for a party that fields five candidates in each of the five electorates (25 candidates);
- For an associated entity - \$50,135;
- For a non-party candidate - \$50,135; and
- For a third-party campaigner - \$50,135.

For the purpose of calculating electoral expenditure, electoral expenditure is **incurred** when the service or product to which the expenditure relates is provided or delivered. For example, the cost of producing an electoral advertisement is incurred on the date the advertisement is broadcast, not on the date that payment for the service was made.

A penalty applies for breaching the cap on electoral expenditure.

Where a gift-in-kind is received by a political party or candidate and the realised value of the gift-in-kind is used for a purpose related to incurring electoral expenditure, the value of the gift-in-kind is to be included in the calculation of electoral expenditure incurred during the capped expenditure period. For example, if a printing company waives the costs of printing for a candidate (a gift-in-kind) then the value of the printing remains considered as electoral expenditure by the candidate.

For MLAs, any expenditure incurred during the capped expenditure period on items defined as electoral expenditure (see Glossary on page 40) paid for through use of an allowance, as determined by the remuneration tribunal, is considered expenditure in relation to the cap on electoral expenditure and is to be included in the limit on electoral expenditure that applies to the relevant party grouping.

## Disclosure of gifts received

When a party grouping, non-party MLA or associated entity receives a gift<sup>^</sup>, or sum of gifts, totalling \$1,000 or more, during the financial year, their financial representative is required to submit a return to the ACT Electoral Commissioner detailing the name and address of the giver of the gift, the amount of the gift and its date of receipt.

The return must be submitted within seven days of the value of the gift or gifts received from a person or organisation reaching \$1,000 during the financial year. Once the \$1,000 threshold has been reached for gifts from the same person or organisation, all further gifts of any value, must be disclosed within seven days of receipt.

This reporting requirement is also relevant to non-party candidate groupings (see Glossary on page 43) and non-party prospective candidate groupings however, rather than the financial year, the calculation of whether the \$1,000 threshold has been reached is relevant for the period beginning on the 31st day after the previous election, if the candidate contested that election, or the earlier of:

- the date the candidate publicly announced he or she would be a candidate; or
- the date the candidate nominates as a candidate; and

ending on the 30th day after the election.

A non-party prospective candidate grouping is taken to be a non-party candidate grouping once the candidate is declared to be a candidate following the close of nominations.

All disclosures received by the ACT Electoral Commissioner are made public as soon as practicable after they are received.

<sup>^</sup>A reference to receipt of gifts includes the receipt of gifts-in-kind.

More information on the regular reporting of gifts is available at [www.elections.act.gov.au/funding\\_and\\_disclosure/funding\\_and\\_disclosure\\_handbooks](http://www.elections.act.gov.au/funding_and_disclosure/funding_and_disclosure_handbooks)

## Anonymous gifts

A party, MLA, associated entity or candidate is not permitted to:

- Accept anonymous gifts of \$1,000 or more; and
- Keep more than \$25,000 received as anonymous gifts of less than \$1,000 in a financial year.

A penalty applies for breaching the caps on anonymous gifts. The cap on anonymous gifts is not indexed. Under the Electoral Act, it is an offence to lodge a late or incomplete disclosure return. It is an offence to knowingly provide false or misleading information on a disclosure return. Reporting agents are encouraged to familiarise themselves with the electoral funding and disclosure compliance policy, available on the Elections ACT website.

## Party candidates

It is important that party candidates are aware that all gifts received, and electoral expenditure incurred by a party candidate are treated as gifts received and expenditure incurred by the party grouping. Therefore, both are counted towards the cap on anonymous gifts and the expenditure cap for the party grouping.

## Appointing scrutineers

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Scrutineers observe, on behalf of candidates, the polling and scrutiny conducted by electoral officials. Scrutineers have legal rights and obligations under the Electoral Act.

Candidates may not, in any way, take part in the conduct of an election. For this reason, candidates may not be appointed as scrutineers.

Candidates may:

- Appoint scrutineers to represent them at every polling place on election day, at each early voting centre in the ACT during the 3 weeks before election day and during mobile polling operations; and
- Appoint scrutineers to represent them at every scrutiny centre at which votes are being counted or a "preliminary scrutiny" of declaration votes is taking place.

Note: "Preliminary scrutines" at which the decision is made to accept or reject a declaration vote for further scrutiny, can be conducted from the Monday prior to election day up to the completion of the counting after election day.

Preliminary scrutines, at which the decision is made to accept or reject a declaration vote for further scrutiny, can be conducted from the Monday prior to election day up to the completion of counting after election day.

Scrutineers are not entitled to be present at interstate early voting centres (where all votes cast are declaration votes).

Candidates must appoint scrutineers by supplying a written notice to the Electoral Commissioner. Appointment forms will be made available for this purpose.

Each scrutineer must sign an undertaking in the approved form (attached to the appointment form) that they will not attempt to influence the vote of an elector and that they will not disclose any knowledge acquired concerning the vote of any elector. For the 2024 election we have also included the requirement to sign an undertaking that they will abide by all COVID health and safety measures as directed by the Electoral Commissioner.



## **Limitations on numbers of scrutineers appointed**

At a polling place on election day or an early voting centre in the ACT, the number of scrutineers representing a particular candidate cannot exceed the number of officers responsible for issuing ballot papers at that place.

During mobile polling, the number of scrutineers representing a candidate cannot exceed the number of officers on the mobile polling team.

At a scrutiny centre, the number of scrutineers representing a candidate cannot exceed the number of officers at that place.

## **Scrutineers information handbook**

More detailed information concerning the rights, duties, powers and functions of scrutineers during polling and the scrutiny are contained in the *Scrutineers Information Handbook*. This handbook also explains the method of voting, matters relating to formality and informality of ballot papers and the scrutiny process. Copies of the handbook will be available on the Elections ACT website and in printed form at its office.

# The voting process

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## Electoral roll

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The electoral roll contains the name and address of all ACT residents who are currently eligible to vote at an ACT Legislative Assembly election, with the exception of the addresses of those electors whose address has been suppressed for reasons of personal safety.

The rolls for the election preliminarily close at 6 pm on 13 September 2024. After this time, electors on the roll are unable to amend or update their details. Eligible electors who are not on the roll at the time of the preliminary roll close may enrol to vote up until 6 pm on election day.

For the 2024 election the roll used in polling places will be in an electronic form, loaded onto laptop computers. As each voter receives their ballot paper their name will be “marked” on the electronic roll and, within a few minutes, will be marked on the roll on every other laptop in all polling places across the ACT. This process minimises any opportunity for successful multiple voting.

## Ballot papers

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Ballot papers for each of the five electorates will be available at every polling place. Voters will be given one ballot paper according to the electorate in which they are enrolled. Ballot papers are colour-coded according to electorate.

Electronic voting will also be available at each of the early voting centres and on election day at those same locations.

## Electronic voting

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The 2024 election will be the seventh ACT Legislative Assembly election at which electronic voting will be used.

Electronic voting will be available at all early voting centres during the early voting period. Those same locations will open as ordinary polling places on election day, with electronic voting made available.

Where a voter chooses to vote in electronic form, they will be provided with a unique printed e-voting card. This e-voting card is to be used with an electronic voting computer to identify the voter's electorate. At the electronic voting computer, the voter selects their preferred language using the touch screen. An electronic ballot paper will appear on screen aligned with the elector's enrolled electorate. The voter will indicate their voting preferences by touching the names or the adjacent preference box of the candidates in the order of their choice.

The voter is then given the option of confirming the vote or returning to the ballot paper and adjusting their selections. The elector confirms the vote by scanning the e-voting card a second time. This second scan is the electronic equivalent of placing a ballot paper in a ballot box – after this point corrections cannot be made.

After casting an electronic vote, the elector deposits the e-voting card in the ballot box. Once an e-voting card has been used to cast a vote, it cannot be used to vote again.

More information about electronic voting is available on the Commission's website at [www.elections.act.gov.au](http://www.elections.act.gov.au).

## Ordinary voting

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Ordinary voting is the most common type of voting. The name of the voter is found on the electoral roll and they are handed a ballot paper and directed to a voting screen where the voter marks the ballot paper before placing it in a ballot box.

Voters choosing to vote electronically in a polling place also record an 'ordinary vote'. See above for a description of electronic voting.

An ordinary vote can be cast at an early voting centre in the ACT or at a polling place on election day.

## Declaration voting

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Where a voter's name cannot be found on the electoral roll or their name is shown to have been marked on the roll as having already voted, the voter may have a declaration vote. The voter is asked to fill in and sign a declaration on an envelope into which their completed ballot paper is placed. These votes are checked by electoral staff after election day to determine whether the person voting is entitled to have their vote admitted to the final count.

## Early voting

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Early voting is available to all electors. Early voting centres will be located across the ACT in key business districts.

Early voting centres will be open:

- Tuesday, 8 October 2024 – 10:30 am to 6:30 pm
- Wednesday, 9 October 2024 – 10:30 am to 6:30 pm
- Thursday, 10 October 2024 – 10:30 am to 6:30 pm
- Friday, 11 October 2024 – 10:30 am to 6:30 pm
- Saturday, 12 October 2024 – 9:00 am to 5:00 pm
- Sunday, 13 October 2024 – Closed
- Monday, 14 October 2024 – 10:30 am to 6:30 pm
- Tuesday, 15 October 2024 – 10:30 am to 6:30 pm
- Wednesday, 16 October 2024 – 10:30 am to 6:30 pm
- Thursday, 17 October 2024 – 10:30 am to 6:30 pm
- Friday, 18 October 2024 – 10:30 am to 8:00 pm

Early votes can be issued as ordinary or declaration votes.

## Postal voting

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Where a voter is unable to attend a polling place on election day or an early voting centre, they may apply for a postal vote. Applications for a postal vote can be made on the Elections Act website, by phone or via email.

All applicants for a postal vote, whether on the roll or not, will be sent a postal voting pack containing one ballot paper for the electorate in which they are enrolled (if not enrolled they will be sent the ballot paper for the electorate for which they claim to be enrolled), a postal vote certificate envelope, voting instructions and a return business reply paid outer envelope.

The voter is asked to complete the declaration on the certificate envelope and sign it, complete their ballot paper and place it in the certificate envelope and seal it, then place the certificate in the reply-paid envelope and return it to Elections ACT.

Completed postal ballots, in their envelopes, must be posted before election day and received by Elections ACT no later than the Friday following election day.

## Telephone voting

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Unassisted and secret voting is available to blind and low vision electors either in person, at any early voting centre or over the telephone.

Applications for telephone voting can only be made by telephoning Elections ACT and only during the two-week voting period.

To access the system eligible electors must establish a five-digit PIN which needs to be used in conjunction with a supplied 7-digit voting token. This combination of codes works in a similar manner to the e-voting card as part of in-person electronic voting and must be entered to commence and conclude voting.

Voters use their telephone keypad to navigate across the digital ballot paper to select and enter voting preferences.

## Assisted voting in a polling place

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Where a voter is unable to vote without assistance they may nominate a person to assist them to vote. This may be a friend or a relative, or a scrutineer.

Where the voter does not nominate a person to assist them, an officer may assist. However, in any case where an officer assists an elector, they must be accompanied by a scrutineer, or if there is no scrutineer present, another officer.

Assistance can be in any of the following forms:

- Acting as an interpreter;
- Completing or assisting the voter to complete a declaration vote;
- Explaining the ballot paper and the requirements for marking the ballot paper;
- Marking, or assisting the voter to mark the ballot paper at the voter's direction;
- Folding the ballot paper and putting it in the ballot box or declaration envelope.

Where a voter is unable to enter a polling place, the OIC of the polling place may take a ballot paper to the voter provided the OIC allows any scrutineers present to be present when the voter marks their ballot paper. The OIC must return and place the completed ballot paper in the ballot box or declaration envelope as required, in the presence of any scrutineers who were present when the voter voted.

# Counting the votes

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This section describes the processes for counting the votes (the scrutiny). The counting of votes is undertaken over a number of stages: the initial count performed in polling places after the polls have closed; the preliminary scrutiny where declaration and postal votes are checked before being admitted or rejected; and the central scrutiny, where the paper ballot papers are scanned, and the preferences digitised.

## At polling places

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After the last voter present within each polling place at the closing time of 6 pm on election day has cast their vote, polling officials will empty the ballot boxes of ordinary votes and sort the ballots to the first preference by candidate and informal votes.

The first preference votes for each candidate and informal are then counted. When satisfied that the figures are accurate, the OIC will transmit the result of the count for publication on the Commission's election results webpage.

Declaration ballot papers remain in their declaration envelopes and are transported unopened to the central scrutiny for checking after election day. All ballot papers are returned to Elections ACT's headquarters (central scrutiny) for the scrutiny process to continue on the Monday following election day.

Candidates may appoint scrutineers to represent them at the counting of ballot papers in polling places.

## Website displays

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Once the OIC of a polling place is confident of the accuracy of their first preference count, the result of count from within each polling place will be transmitted for display on the Commission's result website. It should be noted that these election day counts provide an indicative result only and all paper ballots are rechecked and recounted by Commission staff after election day.

Soon after the close of polling, the count of electronic votes, taken since the start of early voting, will be input to the electronic counting system and the progressive distribution of preferences will be made available on the Commission's results website. This typically occurs within the first hour after polls close.

## The central scrutiny

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The central scrutiny is conducted in three parts:

- Preliminary scrutiny of all declaration votes, including postal votes;
- Computerised scrutiny of paper ballots; and
- Electronic count and distribution of preferences on all formal ballot papers.

## Declaration (including postal) vote scrutiny

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Before declaration vote envelopes can be opened, the details of the voter must be checked to ensure they are eligible to vote and that the vote may be admitted to the official count. Most declaration votes are issued because the voter's name could not be found on the electoral roll in the polling place. Some declaration votes may also have been issued because the voter's name was already marked as having voted when they went to vote, but the voter claimed not to have voted previously.

Postal votes must be posted by the voter before election day or given to Elections ACT on or before election day. They must then be received by Elections ACT no later than the Friday after election day.

A declaration vote ballot paper will be accepted for further scrutiny if the OIC is satisfied that the elector is enrolled for the electorate (or entitled to be enrolled and is not enrolled because of official error), their signature on the declaration vote certificate is genuine, the vote contained in the envelope was recorded prior to the close of the poll and the elector has not already voted by some other means.

If it is determined that the voter is not entitled to have their vote admitted to the count, the declaration envelope is not opened and is set aside as a rejected vote.

Where it is decided that the voter is entitled to have their vote admitted to the count, the elector's declaration is physically separated from the ballot envelope before the envelope is opened, to preserve secret vote principles. The ballot paper is then extracted. Without unfolding it, the ballot paper is placed into a ballot box. This process is conducted using batches of ballot envelopes, so that it is not possible to identify a particular person's ballot paper and how they voted.

When there are sufficient ballot papers in the ballot box, the ballot box is emptied, the ballot papers checked for formality and batched for scanning.

Candidates may appoint scrutineers to represent them at the declaration vote scrutinies.

## Computerised scrutiny

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Ballot papers received from polling places and the declaration vote scrutinies are assembled at the central scrutiny centre.

After the initial count of first preference votes all formal paper ballots will be scanned into a computer system at the central scrutiny centre. The scanned images will be "read" by intelligent character recognition (ICR) software and the hand-written numbers interpreted.

The aim of the system is to achieve 100% accuracy using a range of strategies designed to eliminate errors in the count. Two key principles are adopted. The first involves ensuring that every interpretation of a number is to be confirmed at least twice. In the simplest case, that of a ballot paper showing a correct sequence of numbers correctly interpreted by the ICR scanning software, these numbers will be interpreted once by the software and once by a human operator.

In those cases where an operator changes a number or interprets a number differently from the ICR software, a second operator is required to analyse and potentially verify the changed number. If that second operator disagrees with a change made by the first operator, a third operator will be required to agree with changes made by the second operator and so on until at least two operators are in agreement with the final interpretation.

The second key principle is that any ballot papers that appear to fail one or more of a series of business rules is to be reviewed and potentially verified by at least one human operator at a senior level. This approach gives special attention to ballot papers that appear to have a number missing or duplicated, or that appear to be informal, or that appear to contain writing in ballot squares that are not numbers. Ballot papers that appear to contain only a single preference and no other

preferences are also subject to special attention (even though such a ballot paper would be formal) to ensure that the scanning software is not incorrectly interpreting random marks as a number 1. The scanning software also identifies any ballot papers that have a declaration stamp on them where the ballot paper has been placed in an ordinary ballot box. Such ballot papers are classed as informal regardless of the preference numbering because the paper relates to a declaration vote that has not undergone a preliminary scrutiny process. In cases such as this the elector incorrectly placed the ballot paper in an ordinary ballot box rather than the required declaration envelope.

As a further quality control measure, all challenged or doubtful preference interpretations are referred to the Electoral Commissioner or the Deputy Electoral Commissioner before committal to the counting database. Where it is difficult to interpret the voter's intention using the scanned image of the ballot paper on screen, the original ballot paper is retrieved and used to make a final ruling.

The Electoral Commissioner or the Deputy Electoral Commissioner also personally recheck every ballot paper set aside as informal by polling place staff on election night. This process serves to make a final ruling on all identified informal ballot papers, leading in some cases to ballot papers initially ruled as informal being ruled as formal and incorporated in the count through the scanning system. Scrutineers representing candidates are entitled to be present during this process.

Once all ballot papers have been scanned and passed through the verification checks, the preference data is transferred to the electronic voting and counting system to count the votes and distribute the preferences according to the Hare-Clark rules.

## **Progressive results**

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Progressive results of the computer tally and distribution of preferences will be released daily (with the exception of Sunday) from polling night until the conclusion of the count. Candidates should be aware that while these progressive results will serve as an indication of the likely winning candidates, the final result may differ from interim results.

## **Ballot paper scanning assurance process**

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Since the introduction of ballot paper scanning in 2008, Elections ACT has undertaken an internal assurance process following the completion of the election. The assurance process has randomly reviewed the digital preferences for approximately 3,000 ballot papers against the associated scanned ballot paper image to assess the accuracy of the ballot paper scanning and verification process. However, in 2024 Elections ACT will engage a third-party to conduct an independent ballot paper scanning assurance process to be conducted during the live central scrutiny process.

Scrutineers will be entitled to view this assurance process.

## **Recounts**

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Recounts usually occur when the result of an election is very close and there is an indication that the original count was in error, either at the discretion of the Electoral Commissioner (or the Deputy Electoral Commissioner as a delegate of the Electoral Commissioner) or as directed by the Electoral Commission. A recount can be held at any time before the official declaration of an election result.

A candidate may request a recount in writing to the Electoral Commissioner, setting out the reasons for the request. The Commissioner (or Deputy Electoral Commissioner as a delegate of the Electoral Commissioner) will only conduct a recount if he or she believes it necessary. If the Commissioner (or delegate) refuses to conduct a recount on the request of a candidate, that candidate may appeal to the full Electoral Commission for a review of that decision. The original

decision maker is not permitted to take part in any decision of the full Commission in relation to an appeal against a decision of the Commissioner (or delegate) not to conduct a recount.

Before recounting any ballot papers, the Commissioner will notify each candidate of the date, time and place fixed for the recount.

An electoral officer conducting a recount has the same powers as if the recount was the original scrutiny and may reverse any decision made in an earlier scrutiny.

## **Declaration of the official result**

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Once the final result of the count is complete, the Electoral Commissioner will make a formal declaration of the result of the election. This usually takes place a few days after the final count is concluded. The delay allows any candidate who would be ineligible to be an MLA because of their current position, to resign from that position. For example, a candidate who is to be declared elected may hold an office or appointment under a law of the ACT, such as a public servant. The delay enables the candidate to resign their position, enabling them to take up the role of an MLA once declared elected.

## **What you must do after election day**

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After the election is concluded, each candidate must still satisfy the requirements of the Electoral Act. In particular, a candidate must comply the financial disclosure requirements.

## **Election funding**

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Public funding is available to parties and independent candidates contesting an election.

A registered political party is eligible to receive election funding for the votes obtained by its endorsed candidates who together polled at least 4% of the total number of formal first preference votes cast in an electorate.

A non-party candidate is eligible to receive election funding if they polled at least 4% of the total number of formal first preference votes cast in the relevant electorate.

The election funding rate for 2024 is set at 1000.369 cents per eligible first preference vote.

No person is obliged to accept public funding.

More information on election funding is available from the [Elections ACT website](#).

## **Election returns of gifts and expenditure**

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### **Non-party candidates**

The reporting agent of a non-party candidate (with respect to the candidate and any other person who has incurred electoral expenditure with the authority of the candidate) is required to lodge an electoral expenditure return with the Electoral Commissioner within 60 days after election day. The return must list expenditure on specific items where the expenditure is incurred during the capped expenditure period.

Non-party candidates must also lodge a return listing the total amount of gifts received during the disclosure period. If the sum of the gifts received from a person or organisation is \$1,000 or more, the return must also list the name, address and ABN (if applicable) of the giver, the amount received and the date of receipt. The value of a gift-in-kind must be declared, including a description of the gift-in-kind and how it is valued. If the gift-in-kind was used for electoral expenditure, a statement that it was used for expenditure and the amount that was used must also be disclosed.



A non-party candidate is not required to disclose gifts made in a private capacity to the candidate for their personal use, that the candidate has not used, and will not use, solely or substantially for a purpose related to an election.

Even if no electoral expenditure was incurred and no gifts were received during the disclosure period, the non-party candidate must still submit a nil return.

The disclosure period for this purpose is the period beginning on the 31st day after the previous election, if the candidate contested that election, or the earlier of the date the candidate publicly announced they would be a candidate or the date the candidate is nominated as a candidate and ending on the 30th day after the relevant election.

Non-party candidate election returns are due to be lodged with the Electoral Commissioner within 60 days following election day. For the 2024 election, candidate returns are due by 18 December 2024 and will be made public at the beginning of February 2025.

## **Party candidates**

Relevant details for party candidates are included in the election return lodged by the party, as part of the party grouping's disclosure.

## **Handbook**

The requirements for disclosure are detailed further in the *Election funding, expenditure and financial disclosure – 2024* handbook which will be available in early 2024 and can be downloaded from the [Elections ACT website](#) or obtained from the Elections ACT office (see page 3).

## Disputing an election and other legal matters

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This section describes the process for disputing the result of an election and seeking an injunction during the course of an election. Candidates and parties should consult their legal advisors if considering disputing an election or seeking an injunction with respect to an election.

### Disputing the result of an election

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The validity of an election may only be disputed by application to the Supreme Court sitting as the Court of Disputed Elections after the result of the election is declared.

If any of the following matters in relation to an election is called into question, the validity of the election is to be taken to be in dispute:

- The acceptance or rejection of a nomination of a candidate by the Commissioner;
- The eligibility of a person to be nominated as a candidate, to be elected or to be an MLA;
- Any matter connected with the printing or endorsement of ballot papers;
- Any matter connected with the issue, or scrutiny, of ballot papers by an officer;
- Any matter connected with electronic voting; or
- Any matter connected with the admission or rejection of declaration votes by an officer at the preliminary scrutiny.

The following persons are entitled to dispute the validity of an election:

- A candidate in the election;
- An elector entitled to vote at the election; or
- The Electoral Commissioner.

Procedures for disputing an election are set out in detail in Part 16 of the Electoral Act and in the rules of the Supreme Court. Any person contemplating a challenge should consult their own legal advisers.

### Injunctions

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Where a person has apparently breached or proposes to breach a law of the ACT in relation to elections, a candidate or the Electoral Commissioner may apply to the Supreme Court for an injunction restraining that person from engaging in such unlawful conduct or requiring that person to do a particular act or thing, as the case requires.

Any candidate wishing to apply to the Supreme Court for an injunction should consult their own legal advisers.

## Electoral offences

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The following electoral offences relate to the responsibilities of candidates and to election campaigning generally. Candidates and parties should seek their own legal advice if they consider the Electoral Act has been breached.

### Definition of “electoral matter”

Several offences relate to the treatment of published “electoral matter” (either in printed or electronic form). “Electoral matter” is defined as matter that **is intended or likely to affect voting in an election**. This includes, **but is not limited to**, matter that contains an express or implicit reference to, or comment on:

- The election;
- The performance of the Government, the Opposition, a previous Government or a previous Opposition;
- The performance of an MLA or former MLA;
- The performance of a political party, a candidate or a group of candidates in the election; or
- An issue submitted to, or otherwise before, the electors in connection with an election.

However, a publication of the Legislative Assembly, including a committee of the Assembly, is not considered electoral matter.

### Value of a penalty unit

The maximum fines that may be imposed for the offences listed in this section are given in penalty units. Under the ACT’s Legislation Act 2001, as at September 2023, the value of a penalty unit is:

- \$160 if the person charged is an individual; or
- \$810 for a corporation.

## Offences related to postal voting and other forms of declaration voting

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### Witnessing electoral papers

A person shall not witness the signature of an electoral paper unless:

- The paper is signed by the signatory;
- They have seen the signatory sign the paper;
- They are satisfied as to:
  - the identity of the signatory; and
  - the truth of any statements made in the paper by the signatory; and
- They are able to sign their own name.

*Penalty: 10 penalty units.*

For the purposes of the above, a witness may satisfy themselves on the basis of:

- Personal knowledge of the signatory;
- Inquiries made of the signatory; or
- Any other reasonable means.

A candidate may not be a witness for the purposes of postal voting or assisted voting.

## **Soliciting applications for postal votes**

A person shall not do anything for the purpose of inducing someone else to complete an application form for postal voting papers and to return the completed form to an address other than an address authorised by the Electoral Commissioner.

*Penalty: 30 penalty units.*

A person shall not do anything to induce someone else to complete an application form for postal voting papers that is not a form approved for the purpose by the Electoral Commissioner.

*Penalty: 30 penalty units.*

## **Transmission of applications for postal votes**

A person who accepts for transmission to the Commissioner a completed application for declaration voting papers for postal voting shall transmit the application to the Commissioner as soon as practicable.

*Penalty: 10 penalty units.*

## **Interference with declaration voting**

Except at the request of the elector, a person shall not, without reasonable excuse:

- Communicate with an elector while they are casting a declaration vote;
- Interfere with an elector's casting of a declaration vote;
- Do anything to find out how an elector voted by declaration vote; or
- Enable any other person to find out how an elector voted by declaration vote.

*Penalty: 30 penalty units.*

## **Soliciting completed declaration votes**

A person shall not, without reasonable excuse, do anything for the purpose of inducing an elector to give to the person completed declaration voting papers for postal voting.

*Penalty: 30 penalty units.*

## **Transmission of completed declaration votes**

A person who accepts for transmission to the Commissioner completed declaration voting papers for postal voting shall transmit them to the Commissioner as soon as practicable.

*Penalty: 10 penalty units.*

## **Opening envelopes containing declaration votes**

Unless authorised under the Electoral Act, a person shall not, without reasonable excuse, open an envelope which appears to contain a completed declaration or postal vote.

*Penalty: 5 penalty units.*

## **Protection of rights**

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### **Bribery**

A person shall not offer, solicit or accept an electoral bribe.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

For the purposes of the above offence:

- “Bribe” does not include a declaration of public policy or a promise of publication;
- “Electoral bribe” means a bribe for the purpose of:
  - influencing the vote of an elector;
  - influencing the candidature of a person in an election;
  - otherwise influencing the course or result of an election;
  - inducing a person not to apply, or to withdraw an application, to be a candidate for a casual vacancy; or
  - inducing a person not to apply, or to withdraw an application, to dispute the validity of an election.

There are also a range of generic bribery offences contained in the ACT’s Criminal Code 2002. For further detail, see Part 3.7 of the Criminal Code.

### **Influencing votes of hospital and nursing home patients**

The proprietor of a hospital or nursing home, or an employee or agent of such a proprietor, shall not, without reasonable excuse, do anything for the purpose of influencing the vote of a patient or resident of the hospital or nursing home.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

### **Violence and intimidation**

A person shall not, by violence or intimidation, hinder or interfere with the free exercise of a right under the Electoral Act or the free performance of a duty under the Electoral Act.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## **Campaigning offences**

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For the purposes of the following campaigning offences:

- “Disseminate”, in relation to electoral matter (whether in printed or electronic form), means print, publish, distribute, produce or broadcast;
- “News publication” means a newspaper or periodical and includes an electronic publication of a similar kind; and
- “Reportage or commentary”, in relation to a news publication, means everything in the newspaper or periodical except advertisements and letters to the editor.
- “Social media” means internet-based or mobile broadcasting-based technology or applications through which individuals can create and share content generated by the individual.

### **Dissemination of unauthorised electoral matter**

A person commits an offence if the person disseminates electoral matter and the matter does not include:

- The first and last name of the person who authorised or authored the matter; and
- A statement to the effect that the named person authorised, or is the author of, the matter; and
- if the matter is disseminated for a registered party, candidate or prospective candidate - a statement to the effect that the matter is disseminated for the party, candidate, person; and

- If the matter is disseminated for an entity not a registered party, candidate or prospective candidate – a statement to the effect that the matter is disseminated for the entity and the full name of the entity; and
- Complies with the language requirements (see page 13); and
- Complies with the form and access requirements (see page 13).

*Penalty: 10 penalty units.*

The requirement to authorise electoral matter does not apply to the dissemination of electoral matter contained in reportage or commentary in a particular news publication if the publication includes a statement to the effect that a person named in the statement has authorised publication of all electoral matter contained in reportage or commentary in the publication.

Further, the requirement to authorise electoral matter does not apply to the dissemination of electoral matter contained in a letter to the editor in a particular news publication of a newspaper or periodical if:

- The author's name and the place where the author lives are stated at the end of the letter; and
- The publication includes a statement to the effect that a person named in the statement has authorised publication of all electoral matter contained in letters to the editor in the publication.

For the purposes of the first dot-point above, it is sufficient to identify where the author lives by reference to:

- The suburb or town of, or nearest to, the author's residence; and
- If the residence is outside the ACT - the State, other Territory or other country of that residence.

The requirement to authorise electoral matter does not apply to electoral matter on any of the following items, unless the item includes a representation of a ballot paper:

- A letter from an MLA that includes the name of the MLA and an indication that they are an MLA;
- A press release published by or for an MLA that includes the name of the MLA and an indication that they are an MLA;
- A report under the *Annual Reports (Government Agencies) Act 2004*;
- A publication of a government agency that includes:
  - the name of the agency; and
  - the City of Canberra Arms; and
  - the words "Australian Capital Territory", "Australian Capital Territory Legislative Assembly", "ACT Legislative Assembly", "Australian Capital Territory Government" or "ACT Government";
- A business or visiting card that promotes the candidacy of a person in an election;
- A letter or card on which the name of the sender appears;
- A T-shirt;
- A badge or button;
- A pen or pencil;
- A balloon; or
- An item prescribed by regulation.

The requirement to authorise electoral matter also does not apply to the dissemination of electoral matter by an individual if:

- The electoral matter is disseminated on or through social media; and
- The electoral matter is disseminated in a private capacity; and
- The electoral matter forms part of the expression of the individual's personal political views; and
- For electoral matter that is disseminated using a social media account that is not in the individual's name, the account was not created for the dominant purpose of disseminating electoral matter; and
- The individual is not paid to express those views.

For more information on the authorisation of electoral matter, see the fact sheet on authorising electoral matter on the Elections ACT website:

[www.elections.act.gov.au/publications/act\\_electoral\\_commission\\_fact\\_sheets](http://www.elections.act.gov.au/publications/act_electoral_commission_fact_sheets)

## **“Advertorials”**

An electoral “advertorial” is an advertisement in a news publication that appears to be reportage or commentary and includes electoral matter.

Where an electoral advertorial is published, the proprietor of the news publication must ensure the word “advertisement” is included, in legible form, as a headline to the advertisement on each page on which the advertisement appears.

*Penalty: 10 penalty units.*

## **Misleading electoral advertising**

A person commits an offence if the person disseminates or authorises the dissemination of and advertisement containing electoral matter and the advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

Penalty: 50 penalty units.

It is a defence to a prosecution for this offence if it is proved by the defendant that the defendant took no part in deciding the content of the advertisement and could not reasonably be expected to have known that the statement was inaccurate and misleading.

## **Misleading electoral matter affecting the casting of a vote**

A person shall not disseminate, or authorise to be disseminated, electoral matter that is likely to mislead or deceive an elector about the casting of a vote.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

It is a defence to a prosecution for this offence if it is established that the defendant did not know and could not reasonably be expected to have known, that the electoral matter was likely to mislead or deceive an elector about the casting of a vote.

## **Inducement to illegal voting—representations of ballot papers**

A person shall not disseminate, or authorise to be disseminated, electoral matter including a representation of a ballot paper, or part of a ballot paper, likely to induce an elector to mark their vote otherwise than in accordance with the directions on the ballot paper.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## **Graffiti**

A person shall not, without reasonable excuse, mark any electoral matter directly on any building, footpath, hoarding, roadway, vehicle, vessel or any public or private place (whether on land or water or in the air) without the consent of:

- In the case of a place—the lessee or lawful occupier of the place; or
- In the case of an object—the owner or lawful possessor of the object.

*Penalty: 10 penalty units.*

## **Prohibition of canvassing within 100 metres of a polling place**

A person shall not, within a polling place, or within 100 metres of the building or enclosure containing a polling place:

- Do anything for the purpose of influencing the vote of an elector as the elector is approaching, or while the elector is at, the polling place;
- Do anything for the purpose of inducing an elector not to vote as the elector is approaching, or while the elector is at, the polling place; or
- Exhibit an electoral notice other than a notice authorised by the Commissioner for display there.

*Penalty: 5 penalty units.*

For the purposes of this offence, “polling place” means:

- A place where declaration voting is taking place;
- A polling place on election day; or
- A place where mobile polling is taking place.

An officer may, if directed by the Commissioner, remove or obliterate a notice which is exhibited in breach of this offence. A person shall not obstruct an officer exercising or attempting to exercise this function.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## **Badges and emblems**

An officer or scrutineer shall not wear or display a badge or emblem associated with a candidate or political party in a polling place or early voting centre, or during mobile polling.

*Penalty: 10 penalty units.*

## **How-to-vote material in polling places**

A person shall not, except for the purposes of lawfully assisting another person to vote, exhibit or leave any printed electoral matter in a polling place, early voting centre or place where mobile polling is being conducted.

*Penalty: 5 penalty units.*

## **Voting fraud**

A person shall not supply a ballot paper unless authorised to do so.

*Penalty: 50 penalty units.*

A person shall not obtain a ballot paper by fraudulent means.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*



A person, other than an elector, shall not mark a ballot paper, unless expressly authorised under the Electoral Act.

*Penalty: 50 penalty units.*

A person shall not fraudulently take a ballot paper out of a polling place, early voting centre or scrutiny centre.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

A person shall not fraudulently put a ballot paper, or any other paper, in a ballot box.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

A person shall not, without reasonable excuse, interfere with a ballot box, or a ballot paper, unless authorised to do so.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## Identification of voters and votes

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Except as authorised under the Electoral Act, a scrutineer (or a person who has been, but is no longer, a scrutineer) shall not, directly or indirectly, disclose any information acquired in the performance of their functions which would be likely to enable it to be known how an identified voter has voted.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## Electoral papers

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For the purposes of the following offences, “electoral paper” means any document, form or notice provided for, or required under, the Electoral Act.

### Electoral papers—forgery

There are a range of generic forgery offences contained in the ACT’s Criminal Code 2002. These offences would include, for example, the offence of forging an electoral paper. (For further detail, see Part 3.6 of the Criminal Code.)

*Penalty (for forgery): 1000 penalty units or imprisonment for 10 years, or both.*

### Electoral papers—unauthorised possession

A person shall not, without reasonable excuse, except for the purposes of the Electoral Act:

- Possess an electoral paper; or
- Possess an instrument designed or adapted particularly for producing an electoral paper, or an official mark on an electoral paper.

*Penalty: 30 penalty units.*

### Electoral papers—false or misleading statements

There are a range of generic offences related to the making of false and misleading statements contained in the ACT’s *Criminal Code 2002*. These offences would include, for example, the offence of making a false and misleading statement in an electoral paper. (For further detail, see Part 3.4 of the Criminal Code.)

*Penalty (for making a false and misleading statement): 100 penalty units or imprisonment for 1 year, or both.*

## **Electoral papers—defacement etc.**

A person shall not fraudulently deface, remove, mutilate or destroy an electoral paper.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## **Ballot Paper – Photographs**

A person commits an offence if the person takes a photograph of a ballot paper used by the person or another elector for voting in an election and the photograph shows, or would be likely to show, how the person or elector voted in the election if the person knows the identity of the elector or it would be possible for the person or someone else to find out the identity of the elector.

The definition of photograph includes a video recording.

*Penalty: 10 penalty units.*

## **Electronic voting offences**

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A person must not, without reasonable excuse, destroy or interfere with any device or computer program that is used, or intended to be used, for or in connection with electronic voting.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

A person must not, without reasonable excuse, destroy or interfere with any device or computer program that is used, or intended to be used, for counting votes electronically.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## **Control of behaviour at voting centres**

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A person shall not, without reasonable excuse, disrupt an activity at a voting centre.

*Penalty: 10 penalty units.*

A person at a voting centre shall not, without reasonable excuse, disobey a lawful direction given by the (OIC) of the centre.

*Penalty: 10 penalty units.*

A person shall not, without reasonable excuse, enter or remain at a voting centre without the permission, express or implied, of the OIC.

*Penalty: 10 penalty units.*

The above offence does not apply:

- To an officer;
- To a scrutineer who is entitled to be on the premises; or
- If the voting centre is a polling place—to a voter who enters the place for the purpose of voting and remains no longer than is necessary and reasonable for that purpose.

A person who contravenes this section may be removed from the premises by a police officer or by an authorised officer.

For the purposes of the above offences, “voting centre” means a early voting centre, a polling place or a scrutiny centre.

## **Improper influence—members of Electoral Commission etc.**

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A person shall not do anything improper for the purpose of influencing a member of:

- The Electoral Commission;
- An augmented Commission; or
- A Redistribution Committee.

*Penalty: 50 penalty units or imprisonment for 6 months, or both.*

## Campaign finance offences

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### Exceeding the expenditure cap

If electoral expenditure by:

- A party grouping;
- A non-party MLA;
- A non-party candidate grouping;
- An associated entity; or
- A third-party campaigner

exceeds the relevant expenditure limit for that entity, the party, non-party MLA, non-party candidate, associated entity, or third-party campaigner, as applicable, is liable to pay to the Territory an amount equal to twice the amount by which the expenditure exceeds the limit. Gifts-in-kind in the form of electoral expenditure incurred on behalf of an entity are included under the entity's expenditure cap.

### Limit on payments within parties

A party may not use payments received of more than \$10,000 in a financial year from a related party, for the purposes of incurring ACT electoral expenditure. If a party contravenes this provision, an amount equal to twice the amount by which the spending exceeds \$10,000 is payable to the Territory. However, if the party returns the amount by which the spending exceeds \$10 000 within 30 days after the amount is spent, no amount is payable to the Territory.

### Use of administrative funding for electoral expenditure

A party, or a non-party MLA, must not use administrative funding for electoral expenditure in relation to an ACT, federal, state or local government election. If a party or non-party MLA contravenes this provision, the party or non-party MLA, respectively, must pay to the Territory an amount of twice the amount used.

### Exceeding the limit on the total amount of anonymous gifts that may be received

A party, MLA, non-party candidate or associated entity is not permitted to accept anonymous gifts of \$1000 or more. If the receiver contravenes this provision the financial representative of the receiver must pay to the Territory an amount equal to the amount of the gift.

A party, MLA, non-party candidate or associated entity is not permitted to keep more than \$25,000 received as anonymous gifts of less than \$1000.

For non-party candidate groupings, this restriction applies to their relevant disclosure period.

Otherwise, this restriction applies per financial year.

If this provision is breached, the party, MLA, non-party candidate or associated entity, respectively must pay to the Territory an amount by which the total of the gifts exceeds \$25,000.

### **Failing to provide a return to the Commissioner, or providing a return that is incomplete or knowingly false or misleading**

A person who is required to provide the Commissioner with a return under the Electoral Act and fails to do so within the stated time, is guilty of an offence.

*Penalty: if the return is required with respect to a party, 50 penalty units; and for any other return, 20 penalty units.*

A person who provides a return that contains particulars that are known by the person furnishing the return to be false or misleading in a material particular is guilty of an offence.

*Penalty: 50 penalty units, 6 months imprisonment or both.*

Where an informer provides information to a person who is required to provide a return and the informer provides information that is known by the informer to be false or misleading in a material particular is guilty of an offence.

*Penalty: 50 penalty units, 6 months imprisonment or both.*

A person commits an offence if the person fails to keep records as required for the purpose of preparing returns under the Electoral Act.

*Penalty: 20 penalty units.*

A person commits an offence if the person gives the Commissioner a return that is incomplete.

Penalty: 20 penalty units.

# Glossary

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## **ACT Electoral Commission**

The 3-member statutory body comprising a Chairperson, the ACT Electoral Commissioner and a third member. Also described as the Commission.

## **ACT Electoral Commissioner**

The person, also described as the Commissioner, who is appointed as a statutory office holder, to carry-out electoral administration for the ACT. The Commissioner and the staff employed to assist the Commissioner are collectively known as Elections ACT.

## **anonymous gifts**

Anonymous gifts are gifts where the defined particulars of a donor are not known to the person receiving the gift on behalf of a registered political party, MLA, candidate or associated entity at the time the gift is made.

A registered political party, MLA, candidate or associated entity is not permitted to accept anonymous donations of \$1,000 or more. If such a donation is received, it is payable by the recipient to the Territory. If it is not paid to the Territory, it may be recovered as a debt to the Territory.

## **associated entity**

An entity that:

- Is controlled by one or more parties or MLAs; or
- Operates, completely or to a significant extent, for the benefit of one or more parties or
- MLAs.

## **authorisation statement**

Electoral matter (whether in printed or electronic form) that is printed, published, distributed, produced or broadcast must (with some exceptions) include an authorisation statement. Further details on authorisation of electoral matter can be found in the [Elections ACT Factsheet](#) .

## **ballot paper**

A paper that shows the names of the candidates who are standing for election and on which voters mark their vote.

## **candidate**

A person who has been nominated for election.

## **capped expenditure period**

For the 2024 election, is the period from 1 January 2024 until the end of election day (19 October 2024).

## **certified list**

The official electoral roll used to mark off voters at an election.

## **Commission**

ACT Electoral Commission.

## **Court of disputed elections**

A court (in the ACT the Supreme Court) that determines disputes about elections.

## **declaration vote**

Any vote where, instead of the voter being marked off the certified list, the vote is sealed in an envelope and signed by the voter declaring that they are eligible to vote in the election.

## **disclosure period**

The disclosure period for a candidate is the period beginning on the 31st day after the previous election, if the candidate contested that election, or if not, the earlier of the date:

- Candidate publicly announced they would be a candidate; election;
- The date the candidate was endorsed or pre-selected; or
- The date the candidate is nominated as a candidate

and ending on the 30th day after the relevant election.

## **early vote**

A vote cast before election day.

## **election day**

the fixed day for the election. In 2024, 19 October 2024.

## **Elections ACT**

The office of the ACT Electoral Commissioner and the staff assisting the Commissioner.

## **elector**

An elector is someone who is entitled to vote.

## **electorate**

An area represented by one or more members of parliament. Also known as a seat, division or a constituency. For ACT Legislative Assembly elections there are five electorates: Brindabella, Ginninderra, Murrumbidgee, Kurrajong and Yerrabi.

## **Electoral Act**

Electoral Act 1992 (ACT).

## **electoral expenditure**

Electoral expenditure incurred in relation to the election falls within the following categories:

- Broadcasting electoral advertisements (including production costs);
- Publishing electoral advertisements in a news publication, including printed and electronic newspapers or periodicals (including production costs);
- Displaying electoral advertisements at a theatre or other place of entertainment (including production costs);
- Production of printed or electronic electoral matter requiring authorisation (for example, how-to-vote cards, posters, pamphlets and internet advertising);
- Producing, broadcasting, publishing or distributing electoral matter, other than material included in any of the above (such as direct mailing, including printing and postage,

business cards promoting candidacy, T-shirts, badges and buttons, pens, pencils and balloons);

- Consultant's or advertising agent's fees in respect of services provided or material used
- relating to the election; and
- Opinion polling and other electoral research undertaken to support the production of electoral matter included in any of the above.

## **electoral matter**

Electoral matter is matter that is intended to affect or is likely to affect voting in an election for the ACT Legislative Assembly. It is taken to be intended or likely to affect voting if it contains an express or implicit reference to, or comment on:

- The election;
- The performance of the Government, the Opposition, a previous Government or a previous Opposition of the ACT Legislative Assembly;
- The performance of an MLA or former MLA;
- The performance of a political party, candidate or a group of candidates in an election; or
- An issue submitted to, or otherwise before, the electors in connection with an election.

However, a publication of the Legislative Assembly is not electoral matter.

## **excluded candidate**

A candidate who is taken out of the count of votes because they have fewer votes than any other remaining candidates.

## **exhausted vote**

A ballot paper that can no longer be distributed because no further preferences are shown for any candidates remaining in the count.

## **financial representative**

A financial representative is:

- For a party grouping – the reporting agent of the party;
- For a non-party MLA – the MLA;
- For a non-party candidate grouping – the candidate;
- For a non-party prospective candidate grouping – the prospective candidate;
- For an associated entity – the entity's financial controller; or
- For a third-party campaigner:
  - if the third-party campaigner is an individual – the third-party campaigner; or
  - in any other case – the managing director (however described) of the third-party campaigner.

## **formal vote**

A ballot paper which has been marked correctly. In the ACT under the Hare-Clark electors must use numbers to show their preferences. A ballot paper is formal if there is a single number 1 on the ballot paper. See informal vote.

## **fundraising contribution**

Fundraising contribution means a payment made by a person or organisation as a contribution, entry fee or other payment to entitle the person or another person to participate in or gain a benefit from a fundraising event and includes an amount paid for:

- A ticket in a raffle; and
- An item at a fundraising auction; and
- A meal or beverage; and
- Attending a conference, seminar or similar function.

## **fundraising event**

Fundraising event means an event, however described, where any part of the funds raised are retained by a political party, an MLA, an associated entity, a candidate, or a third-party campaigner.

## **funding and disclosure**

Public funding of election campaigns and disclosure of certain financial details by candidates, political parties and others.

## **gift**

Gift means each of the following:

- A disposition of property made by a person or organisation to someone else, without
- consideration in money or money's worth or with inadequate consideration;
- The provision of a service, other than volunteer labour, for no consideration or inadequate consideration; and
- The part of an annual subscription paid to a party for membership of the party that is more than \$250.

A gift does not include:

- A disposition of property under a will;
- A gift that is given to an individual in a private capacity for the individual's private use and the individual does not use the gift solely or substantially for a purpose related to an election;
- Affiliation fees paid to a party;
- Compulsory levies paid to a party by a party's elected representatives;
- The part of an annual membership fee that is less than \$250;
- Administrative expenditure funding paid by the ACT Electoral Commission; or
- Election funding paid by an electoral commission.

## **gift-in-kind**

Non-cash gifts are to be treated as cash gifts for disclosure purposes.

The definition of gifts-in-kind includes:

- Any disposition of property for no payment, in cash or kind, or where the payment made, in cash or kind, is less than the value of the property; or



- Provision of a service free of charge or for a charge less than the normal commercial rate.

Some examples are:

- Rent free use of commercial premises;

Free use of a motor vehicle (unless associated with volunteer labour);

- Free legal advice given by a law firm;
- The donation of items or services as raffle prizes;
- Printing undertaken for no charge or at a cost less than normally charged; and

Work undertaken for a candidate by an employee during normal working hours where the employer continues to pay salary or wages (but not if the employee takes paid leave to undertake work for the candidate).

## **Hare-Clark**

An electoral system which draws its name from two men: Thomas Hare (1806-1891), an English solicitor who wrote a famous book on proportional representation and Andrew Inglis Clark (1848-1907), a Tasmanian Attorney-General who introduced proportional representation into State law. A fact sheet [\*What is the Hare-Clark Electoral System?\*](#) is available.

## **informal vote**

A ballot paper which has not been marked correctly. In the ACT a ballot paper is informal if it is totally blank; the number 1 does not appear against any candidate; the number 1 appears against two or more candidates; it is stamped 'declaration' and it is not in a declaration envelope; a tick or a cross has been used instead of a number 1 to show the elector's first preference; or it is marked in any way by which the elector can be identified, such as a legible signature.

## **Legislative Assembly**

The lower house of some parliaments and the only house in the ACT. A total of 25 Members are elected from five electorates to represent the citizens of the ACT and make decisions on their behalf.

## **minority government**

A government formed by a party or a coalition of parties (two or more parties) when they don't have a parliamentary majority.

## **MLA**

A Member of the ACT Legislative Assembly.

## **Non-party candidate grouping**

A non-party candidate grouping, for a candidate who is not a party candidate, means:

- The candidate; and
- Any other person who has incurred electoral expenditure with the authority of the candidate to support the candidate in contesting the election.

## **Party grouping**

Party grouping for a registered political party means:

- the party;

- an MLA for the party;
- a candidate for the party; and
- a prospective candidate for the party

### **polling place**

a location for people to vote.

### **postal vote**

Ballot papers sent to a voter and posted back before the close of polling.

### **pre-election period**

The pre-election period commences 36 days before election day and ends on election day.

### **preferential voting**

A voting system which allows voters to list candidates in order of preference. For example if a voter's first choice is for an excluded candidate, the voter's second choice will be counted. If the voter's second choice is also for an excluded candidate, the voter's third choice will be counted, and so on.

### **proportional representation**

Used when more than one candidate is to be elected in one electorate. Each elected candidate represents the same proportion of voters as each other elected candidate.

### **prospective candidate**

A prospective candidate means a person who is yet to be declared as a candidate for an election by the Electoral Commissioner, but has:

- Won preselection, or endorsement, to be a candidate for the party for an election; or
- Publicly announced that they intend to be a candidate for the election.

### **quota**

The number of votes a candidate has to receive in order to be elected.

### **redistribution**

A redrawing of electoral boundaries which aims to ensure that, as nearly as practicable, each ACT electorate gains representation in the ACT Legislative Assembly in proportion to the electorate's voting population.

### **referendum**

A process of referring a matter proposed or passed by a legislative body to the electorate to vote for approval or rejection.

### **registered officer**

The person identified in the register of political parties, who has the authority to nominate and verify the endorsed candidates of the party.

The registered officer cannot be replaced except by a formal written application made under the Electoral Act.

A deputy registered officer may be appointed who also has authority to nominate and verify the endorsed candidates of the party.

### **registered political party**

A political party registered with the Commission under the Electoral Act. Political parties not registered with the Commission are treated as third parties for electoral purposes.

The Commission's "[How to Register a Political Party for ACT Legislative Assembly Elections](#)" brochure, which sets out the requirements for registration, is available from the Elections ACT website or from its office.

### **Robson rotation**

Where the names in each column of candidates are printed in different orders on consecutive ballot papers so that no candidate in a column has the advantage of appearing in the same position on every ballot paper.

### **scrutineer**

A person appointed by a candidate to observe voting and the counting of ballot papers to ensure that the process is conducted properly.

### **surplus votes**

Those votes that a candidate receives in excess of the quota. They are distributed to other candidates according to the further preferences indicated on the ballot papers by those voters.

### **third-party campaigner**

Third party campaigner means a person or organisation that incurs more than \$1,000 in electoral expenditure in the disclosure period, but does not include:

- A party, MLA, candidate, party grouping, non-party candidate grouping or non-party prospective candidate grouping;
- A broadcaster;
- A publisher of a news publication (except a publication published for, or for the benefit of, a party, MLA, candidate, party grouping, non-party candidate grouping or non-party prospective candidate grouping);
- An Australian government body; or
- The Legislative Assembly.