

ACTEC operational plan

1.1.4.2 - Receiving and accepting nominations

Nominations may only be received during the period after the commencement of the pre-election period and before 12 noon, 24 hours before the hour of nomination. In 2020 non-party candidates and party representatives were required to make an appointment to lodge nomination forms. This worked effectively and also prevented any forms from being lodged at the very last minute.

A nomination shall be made by giving the commissioner during the pre-election period but not later than 24 hours before the hour of nomination -

- a) a duly completed nomination form; and
- b) a deposit of the prescribed amount in legal tender or a banker's cheque. Prescribed amount means \$250 or any other amount prescribed by regulations.

A nomination will only be accepted once the eligibility of the candidate has been established. This includes reviewing the enrolment status of the nominee and his or her nominators.

Upon acceptance of nomination forms and deposit, authorised Elections ACT personnel will issue and sign an official receipt to the payee with the following information:

- a) the sum received;
- b) tender type (either cash or cheque number if paying by cheque);
- c) payee

1.1.4.2.1 - Nomination forms

Candidates standing for a registered political party should be nominated using the form Nomination of a Candidate or Candidates by a Registered Party. This form must be signed by each candidate and by the party's registered officer, or by a deputy registered officer of the party.

Candidates not standing for a registered political party should be nominated using the form Nomination of a Non-Party Candidate. This form must be signed by the candidate and by twenty nominators. Each nominator must be on the electoral roll before the roll closes for the electorate for which the candidate is being nominated.

In 2016 candidates were encouraged to consider their candidate contact details for publication on the Elections ACT website before making a final decision as to whether to agree to include the details on the website. NOTE: It is important to make it clear that the contact names and numbers will be given to the media.

A candidate may withdraw his or her consent to nomination using the form Withdrawal of consent to nomination. A withdrawal may only be accepted up until 12 noon, 24 hours before the hour of nomination.

A registered officer may cancel a nomination of a party candidate using the form Cancellation of nomination by a registered officer. A cancellation may only be accepted up until 12 noon, 24 hours before the hour of nomination.

Remember that all approved forms must be approved by Electoral Commissioner by notice in the Legislation Register.

ACTEC operational plan

1.1.4.2.2 - Receipt of nominations

For the lodgement of nomination forms it is necessary for the representative of a party or non-party candidate to make an appointment in advance for the purposes of lodging the form(s). In 2020 a 30-minute appointment was sufficient time to complete the process.

If a candidate or a group of candidates and/or a party representative arrive to lodge their nomination(s) at the Elections ACT office, they are to be greeted and escorted to a room reserved for the purpose. If possible, the Electoral Commissioner should attend all candidates and party representatives with another officer, preferably the Deputy Electoral Commissioner. If the Electoral Commissioner is not able to attend, the Deputy Electoral Commissioner and another officer should attend if possible.

While the candidates and representatives wait, the details on each form need to be checked for compliance: See checklists for party and non-party candidates at
file:/G:/EC/1.1ElectionsACTLA/Election2016/1.1.04Nominations/Nomination%20of%20candidates%20-%20checklist%20for%20receipt%20of%20nominations.doc

For registered parties, check that the registered officer has completed all parts of the registered officer's section, including his or her name, the name of the party, the electorate name (one only to be marked), whether the full party name or the abbreviation is to be used on ballot papers, and that he or she has signed and dated it. (If no indication is given as to whether the abbreviation is to be used, the full party name should be used on ballot papers.)

For registered parties, check that the person who has signed as the registered officer is the current registered officer or a current deputy registered officer of the stated party. Check this against an up-to-date copy of the party register. Deputy registered officers are listed on the paper copy of the register generated by ROPACAD.

For non-party candidates, check that one only electorate box has been marked.

For non-party candidates, check that twenty nominators have completed all parts of the nominator section, including name, residential address, date of birth and signature. Check that each nominator is enrolled on or before the date of roll close by looking them up on TIGER. (It is advisable to have another officer carry out this task while other details are checked.) Check that each nominator is enrolled for the electorate for which the candidate is being nominated.

For all candidates, check that they have completed their names, address, occupation, form in which their given names are to appear on the ballot paper, and that each candidate has signed the form.

Special attention should be given to the Form in which their given names are to appear on the ballot paper part of the form. The given name(s) stated in this part of the form must be a commonly accepted variation of the candidate's given name(s), including an abbreviation or truncation of that name or an alternative version of that name, or an initial standing for that name.

Some candidates write their given name(s) and surname in the Form in which their given names are to appear on the ballot paper part of the form. Provided that the surname is the same as in the surname box, the additional surname can be disregarded. If the surname is different, clarification should be sought from the candidate. Candidates must use their actual surname on the ballot paper under which they are enrolled or entitled to be enrolled, they cannot use a different form of their surname.

For non-party candidates, check that they have indicated whether they wish 'Independent' to be printed on the ballot paper next to their names (if no indication is made, 'Independent' should NOT be printed).

Where a candidate has 'silent' enrolment (that is, his or her address is suppressed on the published electoral roll), he or she does not have to show an address on the nomination form (as the nomination forms are made public). In this case, the candidate must notify the Commissioner in

writing of a correspondence address.

Where a party candidate is standing alone in an electorate, ensure that the candidate and the party representative is aware that the candidate will be included in the 'ungrouped' column. If it was unaware of this rule, the party may wish to consider nominating a second candidate in order to secure a separate column on the ballot paper.

Check that the contact point for candidates section has been completed. Explain to candidates and party representatives that there may be occasions that they will need to be contacted urgently, and it is useful if reliable contact details are provided.

Check that the correct deposit amount has been received. In 2020, the deposit amount was \$250 per candidate. The deposit must be in legal tender or a bankers cheque. Any cheque must be made out to the ACT Electoral Commission (however described). Personal cheques, direct debit or credit or debit cards are not acceptable. In 2020 due to COVID-19 it was possible to pay the nomination form via EFTPOS at the conclusion of the appointment to lodge the nomination form. Issue a receipt for each deposit lodged. Where a party pays the deposit for some or all of its candidates, only one receipt is necessary.

Record the date and time of receipt of the form and sign it in the office use box, and record whether a deposit has been received. If a deposit has not been received, the form can still be submitted, but the nomination cannot be considered to be made until the deposit is received.

Nominations do not have to be made in person. They can be made by mail or other delivery, or by email or fax, provided the correct deposit is received before the close of nominations, 24 hours before the hour of nomination.

If a decision is made to accept the nomination form, inform the candidates and party representatives verbally. A written notice is not provided other than the official declaration of nominations.

If there is a problem that renders the nomination defective, inform the candidates and party representatives accordingly and ask that the defects be corrected (if possible). All defects must be corrected before the close of nominations (24 hours before the hour of nomination).

If a nomination form is submitted immediately before the close of nominations (24 hours before the hour of nomination), ensure that the time and date of receipt is accurately recorded on the form BEFORE determining whether the nomination is to be accepted. Have someone confirm the 12 noon deadline by listening to the time signal on ABC radio or phoning the official time signal. Ensure that at least two officers are present to accurately record time of receipt. If a defect in a form is discovered after 12 noon on that day, it cannot be corrected. If time permits, all effort should be made to check nomination forms before the close of nominations and to give nominators a chance to correct any defects.

Non-party candidates cannot stand as members of a group. They may only stand alone and will be included in the ungrouped column.

After each nomination form is accepted, the details on the form should be entered into ROPACAD. This in turn will update the candidate information for the draw for positions, the ballot papers and the

ACTEC operational plan

1.1.4.2.3 - Rejecting nominations

A nomination shall be rejected by the Electoral Commissioner if, and only if, the nomination form is not substantially in accordance with sections 105 and 110 of the Electoral Act. A nomination is not invalid by reason of a formal defect or error. Section 105 contains the following requirements which must be complied with if a nomination is to be valid:

A nomination of a party candidate must be made and signed by the registered officer of the party or a deputy registered officer of the party.

A nomination of a non-party candidate must be made and signed by twenty electors entitled to vote at the election. To be entitled to vote, the nominators must have been correctly enrolled for the electorate for which the candidate is being nominated, before the rolls closed for the election.

A nomination must be made during the pre-election period but not later than 24 hours before the hour of nomination. A nomination must be made by giving the Electoral Commissioner a duly completed nomination form and a deposit of the prescribed amount (\$250 in 2016) in legal tender or banker's cheque.

A nomination form must set out the name, address and occupation of the nominee (except that, where the address of the nominee is a suppressed address, the form does not have to specify the address, provided the nominee notifies the Commissioner in writing of his or her address for correspondence).

A nomination form must contain a statement, signed by the nominee, to the effect that he or she consents to the nomination and to be an MLA if elected (this statement is printed on the nomination form — it must not be crossed out).

A nomination form must contain a declaration, signed by the nominee, to the effect that he or she is eligible to be nominated (this declaration is printed on the nomination form — it must not be crossed out).

A nomination form must specify the form in which the nominee's name is to be printed on the ballot papers. (This requirement can be satisfied by completion of the Surname and Given Name boxes on the form. Failure to complete the Form in which given names are to appear on the ballot paper section is not a sufficient ground to reject a nomination.)

If a nomination form does not satisfy one of the above criteria, it must be rejected. Every effort must be made to inform candidates and nominators of the failure of a form to satisfy any of these criteria before nominations close if possible. A nomination form can be amended and resubmitted before the close of nominations.

If there is any doubt as to the legality of accepting or rejecting a nomination form, legal advice from the Government Solicitor's Office should be sought as a matter of urgency, asking for a reply before the hour of nominations if at all possible.

If the Electoral Commissioner believes that a nomination must be rejected, and the nominator(s) is/are unwilling or unable to amend the nomination form to make it acceptable (for example, if the nomination period has closed), the Electoral Commissioner shall reject the nomination and give each person whose nomination has been rejected a written notice of the rejection, setting out the reasons for the rejection. A letter used for a rejection of a nomination in 2016 is at file:/G:\EC\1.1ElectionsACTLA\Election2016\1.1.04Nominations\Nomination%20rejected.

ACTEC operational plan

1.1.4.2.4 - Multiple nominations invalid

If, at the hour of nomination, a person is nominated more than once to be a candidate for election in a particular electorate, or a person is nominated to be a candidate in more than one electorate, each such nomination is invalid.

If multiple nominations are received, all affected nominators and nominees should be advised as soon as possible that the multiple nominations are invalid. A nomination can be withdrawn by a candidate up until 24 hours before the hour of nomination. A party nomination of a candidate can be cancelled by the registered officer or deputy registered officer of a party up until 24 hours before the hour of nomination.

If, at the hour of nomination, the Electoral Commissioner believes that a multiple nomination has been made, the Electoral Commissioner shall reject the nomination as invalid and give the person whose nomination has been classed as invalid a written notice stating the nomination was invalid

1.1.4.2.5 - Banking process

Collections will be deposited in bulk daily to the ACT Electoral Commission operating account and recorded in the Nomination Fees received and banked record saved on file: \\G:\EC\1.1ElectionsACTLA\Election2016\1.1.04Nominations\Finance%20.

Once the daily deposit transaction has been completed, an email should be sent to the Shared Services Banking Team to advise the details of the transaction and the coding for the general ledger entry.

Following the declaration of election results, deposits must be refunded in relation to those candidates who are entitled to the refund. Please refer to 1.1.4.4 - Refunding deposits Operational plan for guidance.

Any residual amount not refunded to eligible candidates/parties will be forfeited and should be deposited to the Commission's Territorial account.