

Non-party candidates

Non-party candidates contesting ACT Legislative Assembly elections

A non-party candidate is any candidate who contests an ACT Legislative Assembly election and is not running as a nominated candidate of a registered ACT political party.

To nominate for the election, a non-party candidate must be nominated by at least 20 electors who are enrolled for the electorate that the candidate is intending to contest.

How are non-party candidates listed on ballot papers?

Non-party candidates are included in the "ungrouped" columns on ballot papers. All, non-party candidate names, as well as the names of any registered party candidates who are contesting the electorate as the sole candidate from that party, are included in the "ungrouped" columns. Depending on the number of these candidates contesting the election within an electorate, there may be more than one "ungrouped" column. The "ungrouped" column (or columns) are always located as the furthest columns on the right-hand side of the ballot paper.

A non-party candidate may choose to have the word "Independent" printed under his or her name on the ballot paper. This decision to include the word "Independent" is made on the nomination form at the point of nominating.

If there are more than 5 non-party or ungrouped party candidates standing in a particular electorate, the names of the candidates will be printed in 2 or more columns, none of which can include more than 5 candidates. The names of the candidates in each such column shall be determined by a random draw conducted by the Electoral Commissioner.

What is a non-party candidate grouping?

A "non-party candidate grouping" is the term used to describe a non-party candidate and any other person who has incurred electoral expenditure with the authority of the candidate to support the candidate in contesting the election.

What is a prospective candidate?

A person officially becomes a candidate when they are declared to be a candidate by the Electoral Commissioner at the declaration of nominations. For the 2020 election this will be held on 24 September 2020. Before that time, a person who has publicly announced that he or she intends to be a candidate is known as a "prospective candidate".

Prospective candidates may start campaigning at any time during the election cycle.

Electoral expenditure cap

There is an expenditure cap that limits the amount of money that can be spent on an election campaign for an ACT Legislative Assembly election by political participants in an election year.

The capped expenditure period for an ACT Legislative Assembly election is the period from **1 January in an election year until the end of election day**. In 2020 the capped expenditure period commences on 1 January 2020 and ends on 17 October 2020. The expenditure cap only applies to electoral expenditure incurred in relation to an ACT Legislative Assembly election during this period.

For the 2020 election the electoral expenditure cap for non-party candidates (including prospective candidates) is \$42,750.

If an entity breaches the cap on electoral expenditure, the entity is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure cap has been exceeded.

More detailed information can be found on the [Electoral expenditure cap fact sheet](#).

Anonymous gifts

An anonymous gift is a gift that is received where the recipient does not know the name and address details of the giver.

A non-party candidate is not permitted to accept an anonymous gift in excess of \$1,000. If such a gift is received, it is payable by the non-party candidate to the Territory. A non-party candidate is not permitted to accept and retain anonymous gifts of less than \$1,000 that total more than \$25,000 during the disclosure period for an election. If the total for anonymous gifts received exceeds \$25,000, the amount that exceeds the threshold is payable by the recipient to the Territory.

Reporting obligations – returns of gifts received

When a non-party candidate receives a gift, or sum of gifts, totalling \$1,000 or more from a single donor during the relevant period, the non-party candidate is required to submit a return of gifts received, providing details of the gifts to the ACT Electoral Commissioner.

This requirement applies when the amount, or amounts, of gifts first reaches \$1,000 and for each increment of \$1,000 thereafter.

The relevant 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 he or she would be a candidate; or
- The candidate is nominated as a candidate;

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

A reference to receipt of gifts includes the receipt of gifts-in-kind.

Lodging returns of gifts received

Returns relating to the disclosure of gifts received totalling \$1,000 or more have a submission date dependent upon the period in which the gift or gifts received reaches \$1,000 in a financial year.

- In an election year, if the value of the gift or gifts received from a person reaches \$1,000 in the financial year **between 1 April and 30 June**, the declaration must be made to the Electoral Commissioner by **7 July**;
- In an election year, if the value of the gift or gifts received from a person reaches \$1,000 in the financial year **after 30 June and before the end of election day**, the declaration must be made to the Electoral Commissioner **7 days** after the total amount received from the person reaches \$1,000; and
- In a **non-election year**, or in the first quarter (**1 January until 31 March**) of an election year, if the value of the gift or gifts received from a person reaches \$1,000 in the financial year, the declaration must be made to the Electoral Commissioner **within 30 days of the end of the financial quarter** in which the total amount received from the person reached \$1,000.

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

For further information on the regular reporting of gifts totalling \$1,000 or more, see the [Regular reporting of gifts fact sheet](#).

Reporting obligations – election returns

Electoral expenditure

Each non-party candidate must complete an election return showing details of the candidate's electoral expenditure, even if no expenditure is incurred.

Gifts received

A non-party candidate is also required to complete the section in the election return showing details of gifts received. If no gifts were received the candidate should indicate a nil return.

Due date

Election returns are required to be lodged with the Commissioner within 60 days after election day. For the 2020 election the due date is 16 December 2020.

Authorisation of electoral matter

Any material, in printed or electronic form, containing matter that falls within the definition of "electoral matter" must include an authorisation statement. This provision applies at all times, not only during an ACT Legislative Assembly election campaign. For further information, see the [Authorising electoral material fact sheet](#).

Further information

This fact sheet is provided as a summary of the obligations of non-party candidates in relation to ACT Legislative Assembly elections. Detailed information with respect to these obligations is set out in the following handbooks available from the Elections ACT website www.elections.act.gov.au:

- [Election funding, expenditure and financial disclosure handbook](#)
- [Candidate information – 2020 ACT Legislative Assembly election](#)

Assistance on any aspect of the election funding and financial disclosure scheme may be obtained from the staff of Elections ACT, by emailing electionsdisclosures@act.gov.au, or calling (02) **6205 0033**.

While this fact sheet provides an overview of the requirements for prospective non-party candidates contesting in the 2020 ACT election, it should not be regarded as a substitute for the law. You are advised to obtain a copy of the Electoral Act 1992 from www.legislation.act.gov.au and seek your own legal advice if necessary.