

Candidate handbook

2023 NSW State election

Handbook for parties, groups, candidates and scrutineers

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Introduction

NSW State elections are conducted under the *Electoral Act 2017* (Electoral Act) and the *Electoral Regulation 2018* (Electoral Regulation). The *Electoral Funding Act 2018* (Electoral Funding Act) and the *Electoral Funding Regulation 2018* (Electoral Funding Regulation) provide for the management and disclosure of election campaign finances and the registration of electoral participants. All legislation is available from the NSW Legislation website legislation.nsw.gov.au.

NSW State elections are conducted by the Electoral Commissioner for NSW. The NSW Electoral Commission is an independent statutory authority consisting of three members, including the Electoral Commissioner, which regulates and enforces electoral laws, including the management and disclosure of election campaign finances and the registration of electoral participants. It also assists the Electoral Commissioner to conduct elections and provides education and information to election participants and the public about elections in NSW. NSW Electoral Commission is generally used on our website and in our publications to refer to the organisation that assists both the three members of the Electoral Commission and the Electoral Commissioner to exercise their functions.

The NSW Electoral Commission makes significant information available about elections for the benefit of all participants and in the public interest. Information in this publication about electoral processes and procedures at a NSW state election is for the general guidance and education of election participants and other stakeholders only. It is not legal advice. The NSW Electoral Commission cannot give legal advice and does not publish guidance information about all potential operational and regulatory scenarios that may be relevant for election participants. Election participants should always consider seeking their own independent legal advice about their specific situation, in appropriate circumstances.

Information provided by the NSW Electoral Commission is based on legislation at the date of publication. Any changes made to NSW electoral legislation are communicated in our election bulletins and on the NSW Electoral Commission website elections.nsw.gov.au. Prospective candidates should regularly check the website for any changes.

Detailed information about the candidate and group registration process and election campaign finances can be found on the website at elections.nsw.gov.au/Funding-and-disclosure.

All forms and publications referred to can be downloaded from elections.nsw.gov.au or by contacting the NSW Electoral Commission at candidates@elections.nsw.gov.au or 1300 022 011.

Redistribution of electoral boundaries

The *Constitution Act 1902* (Constitution Act) requires that electoral district boundaries are adjusted to ensure the number of electors within each district remains approximately the same over time. The Electoral Act provides the framework, process and timetable for this to occur. This formal process is called a redistribution and must take place after every second NSW State general election.

The redistribution process after the 2019 NSW State election was administered by an independent three-member Electoral Districts Redistribution Panel made up of the Chairperson, the Honourable Justice Arthur Emmett AO KC; the Electoral Commissioner for NSW, Mr John Schmidt; and the Surveyor-General of NSW, Mrs Narelle Underwood. The redistribution comes into effect for the 2023 NSW state election.

The Panel's final determination of the names and boundaries of electoral districts was proclaimed on 26 August 2021 by Her Excellency the Governor, the Honourable Margaret Beazley AC KC. The maps of the 93 electoral districts and the four index maps are available for inspection on the NSW Electoral Commission's website. The Panel's reasons for making the determination can be found in the Panel's report, also available on the website.

For further information about the redistribution, including maps and enrolment data of the determined electoral districts, visit elections.nsw.gov.au/redistribution.

Regulatory and procedural changes

Amendments made by the NSW Parliament to the Electoral Act and Electoral Funding Act that will apply to the 2023 NSW State election commenced on 2 and 3 November 2022. More information about the changes can be found on our [our website](#), which include:

- **The maximum period of early voting has been reduced to 7 days before the election day, instead of 13 days previously.** For the 2023 NSW State election, early voting will commence on Saturday, 18 March 2023.
- **An alternate method of postal voting may be used.** Under recent amendments to the Electoral Act, the Electoral Commissioner has [determined](#) that an alternate method of postal voting be used at the 2023 NSW State election. The key change is that an elector's postal vote certificate is to be sealed inside the envelope in which their vote is returned, instead of being printed on that envelope.
- **Postal votes may be accepted up to 13 days after the election day.** Postal votes are allowed to be accepted if received by the expiry of the period following the close of voting prescribed by the regulations, which may not exceed 13 days, instead of 4 days previously. The period for the 2023 NSW State election is 12 days, due to the Good Friday public holiday on 7 April 2023.
- **iVote will not be used.** Technology assisted voting, other than telephone voting for electors who are blind or have low vision, is not to be used at the 2023 NSW State election (or a by-election held after 30 June 2022 and before that State election).
- **Guidelines may be issued about the enforcement of offences under the '6 metre rule'.** A voting centre manager or an election official must not exercise enforcement functions in relation to contravention of offences within 6 metres of a voting centre, such as giving directions or removing or confiscating posters and electoral material, unless they have considered guidelines, if any, issued by the Electoral Commissioner.
- **Automated telephone calls must include an authorisation.** Automated telephone calls containing electoral matter (also known as 'robocalls') must contain the name and address of an individual on whose instructions the call was made.
- **The due date for lodging a half-yearly donation disclosure is now six weeks following the end of the disclosure period, rather than four weeks.** The new lodgement period for 1st half-yearly political donations disclosure is 1 January to 11 February 2023 and for the 2nd half-yearly political donations disclosure it is 1 July to 11 August 2023.
- **The value of small donations made at a fundraising event that do not need to be aggregated for disclosure purposes has increased from \$50 to \$100.** A reportable political donation includes multiple donations made by the same donor to the same recipient that in aggregate are valued at \$1,000 or more in one financial year. However, a small donation of \$100 or less does not have to be aggregated if it was the only donation made by a person at a fundraising venture or function.
- **Requests for extensions to lodge a disclosure may be made on the due date, instead of before that date.** Extensions may be granted if the Electoral Commission is satisfied there is good cause.
- **A registered officer of a party can now lodge a disclosure or public funding claim instead of the party agent if certain conditions are met.** The registered officer can lodge when the party agent is absent or unavailable if the registered officer has completed the agent training (or is exempt), and the party agent or registered officer has advised the NSW Electoral Commission in writing in advance.

- **A party agent may no longer be responsible for lodging disclosures for a dis-endorsed candidate.** Once the NSW Electoral Commission has received notification, the person responsible for making a disclosure for the dis-endorsed candidate will be the candidate.
 - **New caps on third-party campaigner electoral expenditure apply.** A state-wide third-party campaigner expenditure cap applies for the capped expenditure period for the 2023 NSW State election, which commenced on Saturday, 1 October 2022 and ends on election day, Saturday, 25 March 2023.
 - **Third-party campaigners cannot breach their cap only by acting in concert.** Additional restrictions on third-party campaigners that act in concert with other persons to incur electoral expenditure during the capped expenditure period have been removed.
 - **The definition of electoral expenditure has been amended to exclude the cost of auditing campaign accounts.** This applies to all stakeholders and for all purposes.
 - **New exemptions apply for the purpose of calculating electoral expenditure counted towards the caps. The amounts that are exempt from the expenditure caps must still be disclosed as electoral expenditure.** The new exemptions include:
 - The cost of expenditure incurred on travel and travel accommodation for candidates and staff engaged in electoral campaigning. Note: this does not apply to expenditure incurred in connection with a motor vehicle, vessel or aircraft decorated with or displaying advertising or electoral material for a candidate or party – which must be included in the calculation of electoral expenditure counted towards the caps.
 - The cost of expenditure incurred for office accommodation for a single campaign office for a candidate or a party engaged in an election campaign, including for the campaign headquarters of a party, but only to a maximum amount of \$20,000 for the current 2023 State election capped expenditure period. Note: such costs over \$20,000 must be included in the calculation of electoral expenditure counted towards the caps.
 - **Advance payments for public funding have been increased.** A party may now receive a further 25% of the total amount to which it was entitled from the Election Campaigns Fund for the previous general election as an advance payment. Changes have also been made to the administration of the Administration Fund and New Parties Fund.
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Key checklist for candidates and parties

Check	Sections
I have checked the key dates for the election	Election calendar
I have registered to accept political donations and incur electoral expenditure and I know the difference between registering and nominating	Registration of candidates and groups
I know who is responsible for managing disclosure of my donations and expenditure	Who is responsible for the management and disclosure of political donations and electoral expenditure?
I have a campaign account for receiving donations and paying for expenditure	Campaign accounts and record keeping
I know I have to disclose reportable political donations within 21 days in the lead up to the election	Pre-election disclosures or reportable political donations
I understand the caps that apply to my campaign expenditure and accepting political donations	Caps on political donations Caps on electoral expenditure
I know how to lodge my nominations forms and deposit by the deadline	Nomination as a candidate – general information Nomination as a candidate: Legislative Assembly Nomination as a candidate: Legislative Council
I have properly authorised my electoral material and how-to-vote cards	Authorisation of electoral material
I know the requirements to register my electoral material and how-to-vote cards to distribute on election day	Registration of electoral material
I know the rules about where and how electoral material and how-to-vote cards can be distributed	Electoral material at an early voting centre Electoral material at a voting centre Role of a party or candidate worker
I have familiarised myself with the role of scrutineers and know how to appoint a scrutineer	Scrutineers
I have familiarised myself with election and electoral funding offences	Allegations and offences

Glossary

Term	Description
Above the line	The Legislative Council ballot paper has a thick black line dividing the ballot paper. An Above The Line vote is a vote where the elector has placed their preference(s) in a group voting square above the line.
Absent vote	A vote cast by an elector who is outside their enrolled electoral district.
Absolute majority	A candidate for the Legislative Assembly must have an absolute majority of formal votes (after distribution of preferences) in order to be elected. An absolute majority is 50% + 1 of formal votes.
Applicable cap on electoral expenditure	Electoral expenditure incurred by parties, groups, candidates and third-party campaigners is capped during the capped expenditure period of a State general election. There are different caps applicable to parties, groups, candidates and third-party campaigners.
Applicable cap on political donations	Political donations made to registered political parties, unregistered parties, elected members, groups, candidates, associated entities and third-party campaigners are subject to caps. There are different caps applicable to registered political parties, unregistered parties, elected members, groups, candidates, associated entities and third-party campaigners.
Associated entity	A corporation or other entity that operates solely for the benefit of a party that is registered for State elections or a member of the NSW Parliament. Associated entities must be registered with the NSW Electoral Commission, and their political donations and electoral expenditure are regulated under the Electoral Funding Act.
Australian Electoral Commission (AEC)	The AEC conducts Federal elections and, in partnership with the Electoral Commissioner, maintains the electoral roll for state and local government elections.
Authorised roll	A printed or electronic roll of electors for a district as at 6pm on the day the writs for a general election are issued, which will be the nineteenth day preceding the election day. A person must be on the authorised roll to be eligible to nominate as a candidate. Copies of this roll are used in voting centres.
Ballot counting place	A place appointed by the Electoral Commissioner for the counting of ballot papers.
Ballot paper draw	The process of determining in which order the candidates (and groups if applicable) will appear on the ballot paper. The draw is conducted by the Election Manager of each electoral district for the Legislative Assembly and the Electoral Commissioner for the Legislative Council.

Term	Description
Below the line	The Legislative Council ballot paper has a thick black line dividing the ballot paper. Candidates in appear below the line on the ballot paper. A Below The Line vote is a vote where the elector has placed their preferences for candidates below the line.
Campaign account	The account that is kept by a political party, candidate, group of candidates or third-party campaigner for political donations and electoral expenditure.
Candidate	<p>A person who is nominated in accordance with the Electoral Act for election to political office and whose nomination has been accepted by the Electoral Commissioner. Only duly nominated candidates have their names included on a ballot paper.</p> <p>Under NSW electoral funding laws, a candidate also refers to:</p> <ul style="list-style-type: none"> • a person registered as a candidate under the Electoral Funding Act for the purpose of accepting political donations or making payments for electoral expenditure. • An unregistered candidate. The rules that apply to the management and disclosure of political donations and electoral expenditure apply to a person who is not yet registered or nominated as a candidate for the election. <p>It is important to note that being nominated as a candidate for the purposes of being included on a ballot paper is a separate process from being registered as a candidate for electoral funding purposes.</p>
Capped expenditure period	The period in which the electoral expenditure of parties, groups, candidates and third-party campaigners is capped. The period starts 1 October 2022 and ends on election day.
Centralised declaration vote count centre (CDVCC)	All declaration vote envelopes cast at early voting centres, declared facilities and voting centres will be sent to the CDVCC for scrutiny, initial count and data entry using computer software
Centralised postal vote count centre (CPVCC)	All postal vote applications and returned postal votes will be processed at the CPVCC, including scrutiny of postal envelopes, extraction of ballot papers, initial count and check count.
Check count	A 'check' or 'second' count of all first preference votes conducted after election day. The results of the check count are considered to be the final count of first preference votes.
Close of roll	The date when the rolls for the election are closed to allow for printing of authorised rolls. This is the day of the issue of the writs for a general election.

Term	Description
Constitution Act 1902	The Constitution Act provides the legal framework by which the state is governed, including that the Legislative Assembly is elected for a fixed four year term and that Members of the Legislative Council are elected for eight years, with half the members being elected at each Legislative Assembly election. It also sets out the systems of election, methods of voting and the counting of votes at elections for the Legislative Assembly and Legislative Council. It also provides that voting is compulsory for electors who are entitled to vote at a state election.
Continuing candidate	A candidate who has not been 'excluded' during a distribution of preferences.
Court of Disputed Returns	The Supreme Court sits as the Court of Disputed Returns to hear petitions challenging the validity of a state election.
Culturally and linguistically diverse (CALD)	A NSW electoral district is identified as being culturally and linguistically diverse if it has a significant population of electors who speak a language other than English at home.
Declaration of the poll	An official declaration made by the Electoral Commissioner that sets out the result of the election held.
Declaration vote	Any vote that requires the elector to sign a declaration instead of being marked off the authorised roll. Ballot papers are enclosed in an envelope bearing the printed declaration signed by the elector. Includes absent, enrolment, postal and other special vote categories.
Declared facility	A hospital, nursing home, retirement village or similar facility that is declared by the Electoral Commissioner as a 'declared facility' which is to be provided with a mobile voting centre. A declared facility is taken to be an early voting centre while voting occurs at the facility.
Declared facility ordinary vote	Type of vote issued to a declared facility elector who is voting in a declared facility that is located within the elector's enrolled electoral district.
Discarded ballot papers	A ballot paper that is found discarded in a voting centre is retained and recorded by the Early Voting Centre Manager or Voting Centre Manager. Discarded ballot papers are not admitted to the count.
Disclosure	The reporting of political donations and electoral expenditure by a party, elected member, candidate, group, third-party campaigner, associated entity or major political donor to the NSW Electoral Commission.
Distribution of preferences	The process of determining the successful candidate in an election, by distributing ballot papers (either of an excluded candidate or the surplus of an elected candidate) to the remaining candidates according to the preferences on each ballot paper.

Term	Description
Donor	A person or entity who makes a political donation to a party, elected member, candidate, group or other person or entity such as a third-party campaigner or associated entity.
Early voting	Eligible electors can vote before election day at an early voting centre.
Early voting centre	A voting centre that has been designated for early voting. Days and hours of operation of an early voting centre are determined by the Electoral Commissioner.
Elected member	A Member of the Parliament of NSW.
Election Campaigns Fund	The fund used by the NSW Electoral Commission to reimburse eligible parties and candidates for electoral expenditure incurred in connection with the election.
Election day	The day when electors go to a voting centre to vote.
Election manager	Appointed under the Electoral Act to conduct an election for one or more districts.
Election manager's office	The office of the Election Manager located in a State electoral district.
Election night	After 6pm on election day when the voting centres are closed.
Election official	Appointed under the Electoral Act to assist with the functions of voting and counting at an election. Election officials include Election Managers, Voting Centre Managers and staff working in voting centres, Election Manager's offices and centralised count centres.
Election Sunday	The Sunday following election day.
Elector	A person entitled to vote at an election.
<i>Electoral Act 2017</i>	The Electoral Act sets out how elections to the NSW Parliament are conducted.
Electoral Commissioner	The Electoral Commissioner is appointed under the Electoral Act and is a member of the NSW Electoral Commission, the independent statutory authority consisting of three members. The Commissioner is also the head of the staff agency referred to as the NSW Electoral Commission.
Electoral district	For the Legislative Assembly, one of 93 geographical areas containing approximately equal numbers of electors. For the Legislative Council, the district is the whole State of New South Wales.

Term	Description
Electoral expenditure	<p>Expenditure for or in connection with promoting or opposing, directly or indirectly, a party or the election of a candidate or candidates or for the purpose of influencing, directly or indirectly, the voting at an election.</p> <p>For a third-party campaigner, electoral expenditure is expenditure that has the dominant purpose of promoting or opposing, directly or indirectly, a party or the election of a candidate or candidates or for the purpose of influencing, directly or indirectly, the voting at an election.</p>
<i>Electoral Funding Act 2018</i>	<p>The Electoral Funding Act and Electoral Funding Regulation regulate the political donations and electoral expenditure of parties, elected members, candidates, groups, third-party campaigners and associated entities. The Electoral Funding Act and the Electoral Funding Regulation deal with:</p> <ul style="list-style-type: none"> • the registration of electoral participants for the election • the disclosure of political donations and electoral expenditure, and • the rules for accepting donations and making payments for expenditure.
Electoral funding offence	An offence under the Electoral Funding Act.
Electoral material	Any 'how-to-vote' card, advertisement or anything else containing electoral matter, whether in a tangible or an electronic form.
Electoral matter	Generally, any matter capable of affecting the result of an election or capable of influencing an elector in casting a vote. Includes the name of a candidate or political party, or photograph, drawing or image of a candidate.
Electoral offence	An offence under the Electoral Act.
Enrolment/name not on roll declaration vote	An eligible person whose name does not appear on the roll for a district but claims to be entitled to appear on that roll, or wishes to transfer their enrolment from one district to another, is permitted to vote if they make a written declaration at an early voting centre or voting centre. Certain identification must be provided for some categories of enrolment/name not on roll declaration votes.
Exhausted ballot paper	In a distribution of preferences, a ballot paper that has no further formal preferences for continuing candidates.
Formal ballot paper	A ballot paper which has been marked in accordance with the voting directions on the ballot paper and counts towards the result of an election.

Term	Description
Group	<p>Candidates that have been duly nominated for the Legislative Council election can form into groups on the ballot paper. The order of candidates within each group is determined by those candidates.</p> <p>Under NSW electoral funding laws a group also refers to:</p> <ul style="list-style-type: none"> • two or more registered candidates who are registered as a group for the purposes of the group accepting political donations and making payments for electoral expenditure. • an unregistered group. The rules that apply to the management and disclosure of political donations and electoral expenditure apply to individuals not yet registered as a candidate or group. Unregistered candidates must not accept political donations or pay for electoral expenditure. <p>It is important to note that the nomination process that includes nominated candidates requesting to form a group on the ballot paper is a separate process from the registration of a group for electoral funding purposes.</p>
Group voting square	A group with at least 15 members may request a group voting square on the Legislative Council ballot paper for above the line voting.
How-to-vote card	A card, pamphlet, leaflet or notice that encourages an elector to vote for a particular candidate, party or group, often including a representation of a ballot paper.
Independent	A candidate or Member of Parliament who is not endorsed by a registered political party.
Informal ballot paper	A ballot paper that has not been completed according to the directions for voting on the ballot paper and cannot be saved as a formal vote by the formality provisions in the legislation.
Initial count	The first count of all first preference votes, conducted at voting centres on election night and at the Election Manager's office from election night onwards. This count is indicative only and is not part of the formal count process.
Legislative Assembly	The lower house of the Parliament of New South Wales. It has 93 members each representing an electoral district. All 93 members are elected at a general election, every four years.
Legislative Council	The upper house of the Parliament of New South Wales consisting of 42 members elected for an eight year term, half of whom are elected at each general election every four years.
Legislative Council count centre (LCCC)	Where the official count (i.e. data entry) of Legislative Council ballot papers will be conducted.

Term	Description
Major political donor	A person or entity (other than a party, elected member, group or candidate) who makes a reportable political donation (a political donation of \$1,000 or more, either as a single donation or multiple donations made by the same donor to the same recipient in one financial year that in aggregate are valued at \$1,000 or more).
Multi district voting centre	In some instances voting centres that are located on or near the boundary between two or more districts may issue votes for more than one district area. These are known as multi-district polling places.
Name already marked as voted (NAMAV)	If, at an early voting centre or voting centre, an elector is recorded as having voted, and claims not to have received a ballot paper, the elector is permitted to vote if the elector makes a written declaration. The elector's ballot papers are placed inside the declaration vote envelope for further scrutiny.
Name not on roll (NNOR)	Elector's who claim to be enrolled but are not on the authorised roll can claim a name not on roll vote.
Nomination	The process by which a person applies to become a candidate for election and have their name appear on the ballot paper.
Nomination Online Management System	A web based application on the NSW Electoral Commission website that allows candidates to complete their nomination forms, form groups, pay the nomination deposit and lodge online.
NSW Electoral Commission	<p>The independent statutory authority constituted under the Electoral Act consisting of three members, including the Electoral Commissioner, which regulates and enforces electoral laws, including the political donation and electoral expenditure disclosure and public funding schemes under the electoral funding laws.</p> <p>NSW Electoral Commission also refers to the staff agency, headed by the Electoral Commissioner, that assists the Electoral Commission and Electoral Commissioner to exercise their functions.</p>
Official agent	A person who is responsible for the management and disclosure of the political donations and electoral expenditure of a third-party campaigner or associated entity.
Official count	A second count of all ballot papers from all voting centres and all declaration votes conducted in the week(s) after election day. This official count involves ballot papers being data entered into a computer counting system and determines the elected candidate(s).
Optional preferential	The method of voting and counting the votes for a Legislative Assembly election.

Term	Description
Ordinary vote	When a ballot paper is issued to an elector after marking their name off the authorised roll and the elector places the completed ballot paper directly into a ballot box, this is known as an ordinary vote, as distinct from a declaration vote.
Party	A body or organisation, incorporated or unincorporated, having one of its objects or activities the promotion of the election to the NSW Parliament or a local Council of a candidate or candidates endorsed by it. A party includes a registered political party and an unregistered political party.
Party agent	A person who is responsible for the disclosure of political donations and electoral expenditure of a party. In some cases, a party agent may also be responsible for the management of disclosures of elected members, groups and candidates who are members of the party. A party includes a registered political party and an unregistered political party.
Party/candidate worker	A person who assists political parties or candidates by handing out how-to-vote cards. Unlike scrutineers, a party worker has no official status.
Photo card	New South Wales Photo Identification Card issued by Transport for NSW.

Term	Description
Political donation	<ul style="list-style-type: none"> a) a gift made to or for the benefit of a party or a group of candidates, or b) a gift made to or for the benefit of an elected member, the whole or part of which was used or is intended to be used by the elected member: <ul style="list-style-type: none"> i) solely or substantially for a purpose related to an election or to the elected member's duties as an elected member, or ii) to enable the elected member to make, directly or indirectly, a political donation or to incur electoral expenditure, or iii) to reimburse the elected member for making, directly or indirectly, a political donation or incurring electoral expenditure, or c) a gift made to or for the benefit of a candidate, the whole or part of which was used or is intended to be used by the candidate: <ul style="list-style-type: none"> i) solely or substantially for a purpose related to an election, or ii) to enable the candidate to make, directly or indirectly, a political donation or to incur electoral expenditure, or iii) to reimburse the candidate for making, directly or indirectly, a political donation or incurring electoral expenditure, or d) a gift made to or for the benefit of an entity or other person (not being a party, elected member, group or candidate), the whole or part of which was used or is intended to be used by the entity or person: <ul style="list-style-type: none"> i) to enable the entity or person to make, directly or indirectly, a political donation or to incur electoral expenditure, or ii) to reimburse the entity or person for making, directly or indirectly, a political donation or incurring electoral expenditure <p>This includes payments at fundraising events, annual or other subscriptions paid to a party, dispositions of property between parties or branches of a party, and uncharged loan interest.</p>
Postal vote	Eligible electors who are unable to attend a voting centre during voting hours on election day may apply to vote by post. Electors must apply for a postal vote and they must be eligible to vote as a postal voter.
Postal vote application	Electors wishing to postal vote must complete a postal vote application, unless they are a registered general postal voter in which case they will automatically receive a postal ballot paper.

Term	Description
Preferences	The numbers written by the elector in the square next to a candidate's name or group on the ballot paper are called preferences. The number '1' is the first preference; number '2' is the second preference and so on.
Proportional representation	The method of counting the votes for the Legislative Council election.
Quota	In a proportional representation count for the Legislative Council candidates are elected when they have received a 'quota' of formal votes.
Recount	If requested by a candidate and approved by the Electoral Commissioner, a recount of votes may be conducted to confirm the original result. Recounts can also be ordered by the Electoral Commissioner.
Registered electoral material	Electoral material, including how-to-vote cards, registered by the Electoral Commissioner for distribution on election day. Only registered electoral material can be distributed on election day. In order to be registered it must satisfy certain requirements.
Registered general postal voter (also known as a registered early voter (postal))	Electors who meet certain legislative requirements can apply to become a registered general postal voter with the Australian Electoral Commission. Registered general postal voters will receive their postal ballot papers automatically without having to apply.
Registered political party (RPP)	A political party registered under the Electoral Act for State elections.
Registration	<p>The process by which an individual applies to the NSW Electoral Commission to be registered under the Electoral Funding Act as a candidate for an election.</p> <p>The process by which registered candidates apply to be registered under the Electoral Funding Act as a group of candidates for an election.</p> <p>A candidate or group must be registered before accepting political donations or paying for electoral expenditure for the election.</p>
Regulated election period	The period from the issue of the writs and ending at 6pm on election day in which certain campaigning activities are regulated.
Returning officer	The Electoral Commissioner is the returning officer for all 93 Legislative Assembly districts and the Legislative Council.
Roll tablet	Hand held electronic device that contains an electronic copy of the authorised roll for all State districts. Roll tablets are used to search for specific enrolment details of any elector registered to vote in NSW. They are not used to mark off electors.

Term	Description
Scrutiny	The check of declaration envelopes to ensure compliance before the vote is admitted to the count. Also the process of checking ballot papers for formality.
Scrutineer	A person appointed in writing by a candidate or registered political party to witness electoral procedures on behalf of the candidate or registered political party.
Third-party campaigner	<p>A third-party campaigner is a person or entity (other than an associated entity, party, elected member, group or candidate) who incurs more than \$2,000 in electoral expenditure for a State election during the capped expenditure period for the election.</p> <p>A third-party campaigner does not include an associated entity, party, elected member, group or candidate.</p>
Two candidates preferred count (TCP)	Provides an indication of the likely election outcome in a Legislative Assembly district by notionally distributing preferences from the lowest polling candidates to the two selected 'preferred' candidates. A two candidates preferred count is not the official distribution of preferences.
Voting centre	A place appointed by the Electoral Commissioner for the purpose of taking the poll at an election (and includes an early voting centre).
Voting Centre Manager	The election official responsible for managing an early voting centre, or a voting centre on election day.
Writ	The document by which the Governor of New South Wales directs the Electoral Commissioner to conduct an election.



Section 1: General information

1.1 Election date and issue of writs

The Constitution Act provides that the NSW State election is to be held on the fourth Saturday in March every four years. The 2023 NSW State election will be held on Saturday, 25 March 2023.

The Electoral Act provides that the writs for the 2023 Legislative Assembly and Legislative Council elections are to be issued by the Governor of New South Wales on Monday, 6 March 2023.

1.2 Election calendar

The key dates for the election are available from the NSW Electoral Commission website <https://elections.nsw.gov.au/elections/state-government-elections/2023-state-general-election>.

1.3 Electoral Commissioner for NSW

The Electoral Commissioner is appointed under the Electoral Act to conduct and administer NSW State election as returning officer. The Electoral Commissioner is required to exercise his or her functions in an independent manner that is not unfairly biased against, or in favour of, any particular parties, groups, candidates or other persons, bodies or organisations.

The Electoral Commissioner may use the services of election officials and electronic resources to assist in the conduct of the elections.

1.4 Election Managers

The Electoral Commissioner appoints an Election Manager for each of the 93 Legislative Assembly districts. A single election official may be appointed as the Election Manager for more than one electoral district.

Election Managers set up an office that is open to the public approximately six weeks before the election. Details of the Election Manager's office including its address and opening hours will be available from the NSW Electoral Commission website elections.nsw.gov.au or by calling 1300 022 011.

1.5 NSW Electoral Commission website

The NSW Electoral Commission website elections.nsw.gov.au contains information such as key election dates, forms, general information regarding enrolment, details of registered political parties and candidates, nominated candidate details, voting options, voting centre locations and election results.

1.6 Candidate helpdesk

A candidate or party that has an enquiry about the processes for the nomination of candidates, the registration of electoral material, voting or counting information can call 1300 022 011 between 9am and 5pm weekdays and during the weekend of the election, or email candidates@elections.nsw.gov.au.

A candidate or party that has an enquiry about the registration of candidates and groups for the election, the rules that apply to political donations and electoral expenditure, and making disclosures can call 1300 022 011 between 9am and 5pm weekdays, or email fdc@elections.nsw.gov.au.

1.7 Elector enquiry centre

An elector enquiry centre is established for electors who have questions about voting and other election processes. The Elector Enquiry Centre number is 1300 135 736.

Section 2: Registration of candidates and groups

Candidates and groups of candidates for a state election must be registered for the election with the NSW Electoral Commission for the purpose of lawfully accepting political donations and incurring electoral expenditure.

This registration process is separate from the process for a person being nominated as a candidate for the election to have their name included on the ballot paper.

When you become a candidate it is your responsibility to understand the requirements for political donations and electoral expenditure. Some candidates may be responsible for their own election campaign finances, while in other cases, the party agent of a registered political party is responsible for the election campaign finances of candidates and groups who are members of the party. More information about the rules for determining who is responsible for the management and disclosure of political donations and electoral expenditure can be found in the section [Political Donations](#).

Registration as a candidate by the NSW Electoral Commission does not mean that a person is eligible to be nominated as a candidate for an election. Registration as a candidate or group is for the purpose of regulating the candidate or group in relation to accepting political donations or making payments for electoral expenditure. Being nominated as a candidate is a separate process, to have your name included on the ballot paper. Nomination can only happen after the writs are issued. The nomination process is described in the sections **Nomination as a candidate – general information**, **Nomination as a candidate: Legislative Assembly** and **Nomination as a candidate: Legislative Council**.

2.1 What is registration?

Registration means being registered under the Electoral Funding Act to be regulated as a candidate or group by the NSW Electoral Commission for a state or local government election and having your registered details included on a public register. The NSW Electoral Commission publishes all registers on the [NSW Electoral Commission website](#).

A candidate, or group of candidates, must be registered with the NSW Electoral Commission for an election before accepting political donations or making payments for electoral expenditure for an election.

2.2 Candidates and groups registering for the 2023 NSW State election

Candidates, and groups of candidates, are responsible for their own registration. To register for the 2023 NSW State election the candidate or group members must complete and lodge the relevant application for registration. Candidates and groups can register using [Funding and Disclosure Online](#), the NSW Electoral Commission's online system for political participants to comply with NSW electoral funding laws.

Current members of the NSW Parliament are not required to be registered for the election before accepting political donations or making payments for electoral expenditure.

The deadline for submitting an application for registration is the day of the close of nominations.

All candidates who will not accept political donations or make payments for electoral expenditure before being nominated are taken to be registered on the day their nomination form is lodged. From this time, all candidates and groups can lawfully accept political donations and make payments for electorate expenditure for the election.

Registration of a Legislative Council group of candidates

The registration of a group of candidates is separate to the registration of the candidates who are members of the group.

Applications to register a group for the Legislative Council election may be made using [Funding and Disclosure Online](#). The lead candidate of the group must make the application to register as a candidate and to register the group. Members of the group must apply to be registered as a candidate before they can be added to the group by the lead candidate. Follow the instructions in Funding and Disclosure Online on [how to register as a group of candidates](#). Applications for registration may be submitted at any time up to the deadline, which is the day of the close of nominations.

A group of candidates, and the candidates who are members of that group, are registered once the NSW Electoral Commission has received and processed a validly lodged registration. It is unlawful for the group to accept political donations or pay for electoral expenditure until registered, or until after 12 noon on nomination day.

Registration of a candidate for the Legislative Assembly or Legislative Council

Applications to register as a candidate for the Legislative Assembly or Legislative Council elections may be made through [Funding and Disclosure Online](#). Follow the instructions for Funding and Disclosure Online on [how to register as a candidate to start campaigning](#). Applications for registration may be submitted at any time up to the deadline, which is the day of the close of nominations.

A candidate is registered once the NSW Electoral Commission has received and processed a validly lodged registration. It is unlawful for the candidate to accept political donations or pay for electoral expenditure until registered, or until they are nominated for the election.

Register of Candidates

The details of all registered candidates and groups are included on the [Register of Candidates](#). A copy of the register, which excludes the residential address of all candidates, is published on our [website](#). A copy of the register, including the residential address of each candidate, except those who are silent electors, is available for inspection by appointment at our office. If a candidate becomes a silent elector at any time after registration the candidate should notify the NSW Electoral Commission to ensure the enrolled address provided at the time of registration is not shared.

Refusal to register a candidate or group

The NSW Electoral Commission may refuse to register a candidate or group of candidates if:

- information provided in an application for registration is incomplete or incorrect, or
- the name of the group is obscene or offensive.

Updating candidate or group registered details

Candidates and groups must notify the NSW Electoral Commission of any changes to the details included on the register within 30 days of the change occurring. If a candidate becomes a silent elector at any time after registration, the candidate should notify the NSW Electoral Commission. To update details with the NSW Electoral Commission use [Funding and Disclosure Online](#) following the instructions on [updating your registered details](#). The NSW Electoral Commission will make changes to registered details of a candidate or group upon receipt of the form.

Cancellation of a candidate or group's registration

The NSW Electoral Commission will cancel the registration of a candidate or group if requested by the candidate or group.

Section 3: Nomination as a candidate – general information

3.1 Disqualification

A person enrolled in the State of New South Wales as at 6pm on the day the writs for the elections are issued may be nominated as a candidate for either the Legislative Assembly or Legislative Council, unless disqualified under the Constitution Act or the Electoral Act.

If a person is in any doubt about their eligibility to be nominated as a candidate, or to be elected, they should seek their own legal advice prior to lodging a nomination form.

It is not the role of the NSW Electoral Commissioner or an Election Manager to determine whether or not a candidate is subject to any of these disqualifications.

3.2 Nominations by NSW public servants

The conditions under which NSW public servants may contest state elections are prescribed by section 71 of the [Government Sector Employment Act 2013](#) and supported by Public Service Commission circulars. In summary:

- government sector agency employees nominated for election are to be granted a leave of absence until the election is declared
- the leave of absence is without pay, unless the employee applies to use other available leave entitlements
- government sector agency employees standing for election are not required to resign but will need to do so if elected.

3.3 Nominations by Commonwealth public servants

Conditions relating to Commonwealth public servants nominating for election are governed by Commonwealth legislation. Any Commonwealth public servant proposing to nominate is advised to consult their employer and seek their own legal advice.

3.4 Member of Commonwealth Parliament

A member of the Parliament of the Commonwealth is incapable of being nominated as a candidate for, or being elected as a member of, the NSW Legislative Assembly or Legislative Council.

3.5 Information collected for the nominations process

Information collected by the NSW Electoral Commission for the purposes of nominations is collected to ascertain whether the nomination form has been duly made and for other election and ancillary purposes.

The nomination form will be reviewed by relevant NSW Electoral Commission staff and may be disclosed if lawfully required or authorised in accordance with the Electoral Act, the *Privacy and Personal Information Protection Act 1998* and other relevant legislation.



Section 4: Nomination as a candidate: Legislative Assembly

Legislative Assembly candidates must be enrolled in New South Wales as at 6pm on the day the writs for the election are issued. They do not need to be enrolled in the district they are contesting. For example, a person enrolled in the Coffs Harbour district may nominate as a candidate in the Parramatta district.

A candidate for the Legislative Assembly may be nominated in one of two ways:

- by a registered political party; or
- by 25 electors enrolled in the district being contested.

4.1 Nomination by a registered political party

The registered officer or deputy registered officer of a registered political party can nominate a candidate for an electoral district, provided the party has been registered with the NSW Electoral Commission for 12 months before the close of nominations.

The relevant nomination forms and deposit are:

Forms and deposit	Further information
Registered political party candidate nomination form SE.202	Signed by the candidate and the registered officer or deputy registered officer of the registered political party
Child protection declaration	Signed by the candidate
Nomination deposit	\$250 per candidate

The registered political party may choose to have either the full or abbreviated party name printed below the candidate's name on the ballot paper.

4.2 Nomination by 25 electors

A person can be nominated as a candidate for an electoral district by 25 electors who, as at 6 pm on the day of the issue of the writs, are enrolled in the district being contested.

A candidate cannot nominate themselves. The nominators can include family members. An elector cannot nominate more than one candidate.

It is the candidate's responsibility to ensure that their nominators are enrolled for the district that they are intending to contest.

It is strongly recommended that candidates have more than 25 nominators, in the event that some are found to be not enrolled or not enrolled in the relevant district or to have nominated another candidate.

The relevant nomination forms and deposit are:

Forms and deposit	Further information
Nomination of a candidate by 25 electors form SE.201	Signed by the candidate and at least 25 eligible electors
Child protection declaration	Signed by the candidate
Nomination Deposit	\$250 per candidate

These candidates may choose to have either the word 'Independent' printed below their name on the ballot paper, or nothing printed below their name on the ballot paper.

4.3 Child protection declaration

The Electoral Act provides that the nomination of a candidate for the Legislative Assembly is not valid unless it is accompanied by a **Child protection declaration**.

This declaration must be lodged with the nomination form by the close of nominations. If a person fails to complete and lodge this declaration the nomination will be invalid. The declarations of all candidates will be made public on the NSW Electoral Commission website.

It is a criminal offence to make a false declaration (maximum penalty of up to five years imprisonment). After the election, the declarations of elected candidates will be reviewed by the Children's Guardian and a report on the findings tabled in both Houses of Parliament.

4.4 Nomination deposit

A nomination deposit of \$250 must be lodged for each candidate nominating for the Legislative Assembly. The nomination deposit of \$250 must be lodged by the close of nominations.

When the nomination is lodged through the NSW Electoral Commission's nomination online management system the nomination deposit can be paid electronically by Visa or Mastercard. If the nomination is lodged in person the deposit must be paid in cash, by bank cheque or credit union or building society cheque made out to the NSW Electoral Commission.

4.5 Nomination timeframe

The Legislative Assembly nomination form, Child Protection Declaration and deposit can only be lodged from 8am Monday, 27 February 2023, to 12 noon, Wednesday, 8 March 2023.

They may be lodged by any of the following methods:

- using the NSW Electoral Commission's nomination online management system which can be accessed at elections.nsw.gov.au
- by hand delivery to the Election Manager's office for the district being contested
- by hand delivery to the NSW Electoral Commission, by appointment
- by post to the NSW Electoral Commission, GPO Box 832, SYDNEY NSW 2001
- by email to candidates@elections.nsw.gov.au, however the nomination deposit **cannot** be paid by email (and must be received by 12 noon, Wednesday, 8 March 2023 for a nomination lodged by email to be valid).

Nomination forms lodged are not valid unless they are signed by or include an image of the actual signature of the candidate **and** the registered officer (or deputy registered officer) of a registered political party or nominators, as applicable, appears on the nomination form and on the Child Protection Declaration.

It is strongly recommended that any potential candidate who lodges their nomination then telephones the NSW Electoral Commission head office or the Election Manager, as applicable, to confirm the nomination has been received.

The onus is on the candidate to ensure all applicable forms and the deposit are lodged by 12 noon, Wednesday, 8 March 2023.

Any nomination forms, Child Protection Declarations or deposits received after 12 noon, Wednesday, 8 March 2023, will not be accepted.

4.6 Defective nomination

When a nomination is lodged, an election official at NSW Electoral Commission head office or Election Manager, as applicable, will review the form(s) to assess whether it has been fully completed. This includes checking that:

- the candidate appears on the authorised roll of electors in New South Wales as at 6pm on the date of the issue of the writs, Monday, 6 March 2023
- the address on the nomination form matches the candidate's enrolled address
- if the candidate is nominated by a registered political party, that the details and the signature of the registered officer (or deputy registered officer) are correct
- if the candidate is nominated by 25 electors, that the nominators are enrolled in the relevant electoral district as at 6pm on the date of the issue of the writs and that a nominator has not nominated another candidate in the election
- the nomination form is complete in all other respects
- the Child Protection Declaration is complete
- the nomination deposit has been paid.

If the nomination papers are lodged in person the candidate (or their representative) should remain at the NSW Electoral Commission head office or Election Manager's office, as applicable, until all checks have been made. This may take several hours.

If the nomination is ultimately found to be defective, the candidate or their representative or the registered officer (or deputy) as appropriate, will be informed. It is their responsibility to rectify and re-lodge any defective nomination by 12 noon, Wednesday, 8 March 2023.

It is strongly recommended that all nominations are lodged as early as possible so that any defects can be fixed by the candidate or their representative before nominations close. If compliance with the necessary requirements for a valid nomination has not occurred by 12 noon, Wednesday, 8 March 2023 the nomination will be rejected.

Corrections of defects in nomination forms after 12 noon on 8 March 2023 are not authorised by the Electoral Act. It is the responsibility of every person nominating to ensure that their forms do not contain any defects.

4.7 Candidate's details on the NSW Electoral Commission website

Legislative Assembly nomination forms are confidential and are not available to be inspected by members of the public, other prospective candidates or their representatives, media or scrutineers.

The following candidate details will be displayed on the NSW Electoral Commission website after the ballot paper draw is held on Thursday, 9 March 2023:

- the candidate's name
- the Legislative Assembly district for which the candidate nominated
- the suburb, town or other locality of the candidate's place of residence (including for silent electors)
- the Child Protection Declaration
- the candidate's contact details (if supplied).

It is suggested that candidates check their details on the website to ensure they are displayed correctly. If a candidate finds an error on the website they should contact the NSW Electoral Commission's candidate helpdesk on 1300 022 011 immediately.

4.8 Withdrawal of a nomination

Legislative Assembly candidates may withdraw their nomination before 12 noon, Wednesday, 8 March 2023, by lodging a completed **Withdrawal of nominations form SE.231** with the Electoral Commissioner or the Election Manager.

A withdrawal request can only be signed by the candidate. A registered officer (or deputy registered officer) of a registered political party cannot withdraw a candidate's nomination, even though the party has nominated that candidate.

A withdrawal request can be lodged in person or by email. If submitting the withdrawal request by email, it must contain the signature or an image of the actual signature of the candidate.

The NSW Electoral Commission strongly recommends that any potential candidate who lodges a withdrawal of a nomination contact the NSW Electoral Commission's candidate helpdesk on 1300 022 011 to confirm the withdrawal has been received.

A candidate for the Legislative Assembly cannot withdraw their nomination after 12 noon, Wednesday, 8 March 2023. Their name will appear on the ballot paper.

If a candidate who withdraws their nomination is registered as a candidate under the Electoral Funding Act, the candidate still has legal obligations under that Act and may be required to submit disclosures of political donations and electoral expenditure. The candidate may request the NSW Electoral Commission to cancel their registration. Contact us for further information if you have withdrawn your nomination.

4.9 Death of a candidate

Death of a Legislative Assembly candidate before the close of nominations

If a Legislative Assembly candidate dies after being nominated (that is the nomination has been lodged with the Electoral Commissioner or Election Manager) and before 12 noon, Wednesday, 8 March 2023, the day named as the nomination deadline is extended by 24 hours for that district only.

Death of a Legislative Assembly candidate before 6pm election day

If a Legislative Assembly candidate dies after 12 noon, Wednesday, 8 March 2023 and before 6pm, Saturday, 25 March 2023, the election is taken to have failed in that district. A new writ will be issued for that district for an election to be held at a later date. The Legislative Council election will still proceed in that district.

Death of a Legislative Assembly candidate after 6pm election day

If a Legislative Assembly candidate dies after 6pm, Saturday, 25 March 2023, but before the election has been declared by the Electoral Commissioner, the election is not taken to have failed. If the deceased candidate is elected, a vacancy will be taken to have occurred.

4.10 Dual nominations

If at 12 noon, Wednesday, 8 March 2023, a person is a candidate in more than one Legislative Assembly district, or a candidate in both a Legislative Assembly district and the Legislative Council, each of those nominations is void.

4.11 Return of nomination deposit

After the election, the nomination deposit is returned if the candidate:

- is elected
- has received at least four per cent of the total number of formal first preference votes
- dies before election day
- withdrew the nomination before 12 noon, Wednesday, 8 March 2023
- had their nomination rejected due to it being incomplete at 12 noon, Wednesday, 8 March 2023.

The deposit is returned to:

- the registered officer of the party (if the candidate was nominated by a registered political party); or
 - in any other case the candidate (or a person authorised by the candidate in writing to receive it).
-

Section 5: Legislative Assembly ballot paper

5.1 Candidate's name on the ballot paper

A candidate's surname will appear on the ballot paper spelled exactly as enrolled.

Candidates are permitted to have their given name appear on the ballot paper as follows:

- the name (or names) in full
- an initial standing for that given name
- a commonly accepted variation of that given name, including an abbreviation or truncation (for example, Ally for Alison, Bob for Robert, etc.)
- candidates with hyphenated given names will appear as they are enrolled unless they request only one of those given names be shown, or
- a commonly used other name specific to the candidate by which the candidate is usually identified. In this case the Electoral Commissioner must be satisfied that the candidate is usually identified by the proposed name. In such cases this commonly used other name will appear in brackets on the ballot paper e.g. SMITH, Greg (Curly).

No titles, such as Dr for Doctor or JP for Justice of the Peace, or honorifics, are permitted on the ballot paper.

5.2 Candidates nominated by a registered political party

Legislative Assembly candidates nominated by registered political parties will have the registered name of the party (or its registered abbreviation) printed on the ballot paper below their name.

5.3 Candidates nominated by 25 electors

Legislative Assembly candidates nominated by 25 electors enrolled in the district may choose to have either the word 'Independent' printed below their name on the ballot paper, or nothing printed below their name on the ballot paper. The preferred format must be indicated on the nomination form.

5.4 Ballot paper draw

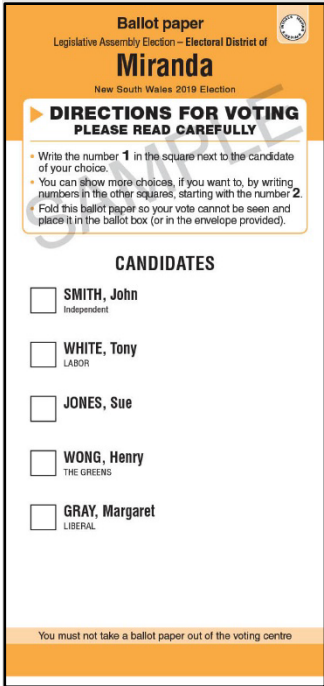
The draw to determine the order of candidates' names on the ballot paper for the Legislative Assembly district will commence at the respective Election Manager's office at 10am Thursday, 9 March 2023, the day after the close of nominations.

Candidates or their representatives, registered political parties, media and members of the public are welcome to attend the draw.

5.5 Sample Legislative Assembly ballot paper layout

A sample of a Legislative Assembly ballot paper appears below.

Please note the actual ballot paper may vary in format from the sample below. A copy of the actual ballot paper to assist candidates and registered political parties in preparing election material (how to vote cards) will be available at elections.nsw.gov.au the day following the ballot paper draw.



Section 6: Nomination as a candidate: Legislative Council

Legislative Council candidates must be enrolled in New South Wales as at 6pm on the day the writ for the election is issued.

A candidate for the Legislative Council may be nominated in one of two ways:

- by a registered political party. The registered officer or deputy registered officer of a registered political party can nominate a candidate, provided the party has been registered with the NSW Electoral Commission for 12 months before the day of the close of nomination; or
- by 25 electors who are enrolled in New South Wales as at 6pm on the day the writ for the election is issued.

6.1 Forming a group

Legislative Council candidates may form a group on the Legislative Council ballot paper. A group can consist of between two and 21 candidates.

Where there are 15 or more candidates in a group, candidates can request that a group voting square be printed on the ballot paper to be used for 'above the line' voting. A group of 14 or fewer candidates cannot request a group voting square.

It is important to note that any combination of candidates may form a group on the ballot paper, for example:

- a group may be formed by candidates from the one registered political party
- a group may be formed by candidates from two or more registered political parties
- a group may be formed by candidates nominated by 25 electors, or
- a group may be formed from a combination of candidates from a registered political party or parties, and candidates nominated by 25 electors.

The order of the candidates in a group is determined by the candidates themselves, by all candidates signing the grouping form indicating their agreement to their position within the group.

6.2 Ungrouped candidates

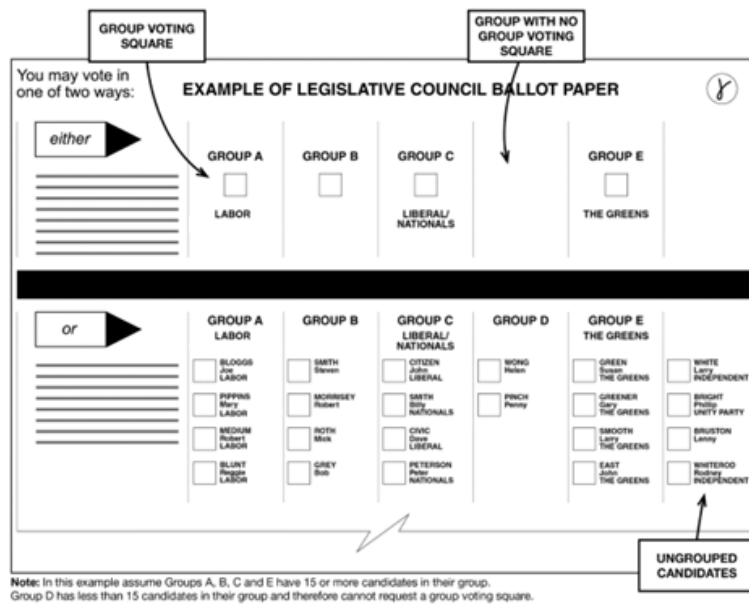
A Legislative Council candidate not in a group is referred to as an 'ungrouped candidate'. Ungrouped candidates are not entitled to a group voting square above the line and will be shown in one or more columns on the far right of the ballot paper.

6.3 Sample Legislative Council ballot paper

Following is a sample Legislative Council ballot paper. Candidates are divided into groups and labelled alphabetically across the ballot paper from left to right, i.e. Group A, Group B, Group C, etc.

Ungrouped candidates appear in a column on the far right of the ballot paper.

In the sample Legislative Council ballot paper below, assume Groups A, B, C and E each have between 15 and 21 candidates in their group and are therefore entitled to request a group voting square. Group D has fewer than 15 candidates in the group and are therefore not entitled to a group voting square.



6.4 Registered political party nomination and grouping

Where a registered political party wishes to nominate candidates and form a group on the Legislative Council ballot paper, the relevant nomination forms and deposit are:

Forms and deposit	Further information
Registered political party candidate nomination form SE.202	Signed by the candidate and the registered officer or deputy registered officer of the registered political party
Child protection declaration	Signed by the candidate
Legislative Council – request to form a group form SE.203	Signed by all candidates wishing to form the Legislative Council group
Nomination deposit	\$500 per candidate capped at \$5,000 for groups of over 10 candidates

These candidates may request that a group voting square be printed on the ballot paper to be used for 'above the line' voting provided there are between 15 and 21 candidates in the group.

The full or abbreviated party name of the registered political party will be printed below the group voting square, and it is also printed below each candidate's name on the ballot paper.

Refer to 'Group E – The Greens' on the sample Legislative Council ballot paper above to demonstrate how a registered political party group would appear on the ballot paper.

Where two or more registered political parties wish to nominate candidates and form a composite group on the Legislative Council ballot paper, please refer to 'Group C – Liberal/The Nationals' on the sample Legislative Council ballot paper on the preceding page to demonstrate how a composite registered political party group would appear on the ballot paper.

6.5 Registered political party ungrouped candidate nomination

Where a registered political party wishes to nominate one candidate with that candidate appearing as an ungrouped candidate in the far right column(s) on the Legislative Council ballot paper, the relevant nomination forms and deposit are:

Forms and deposit	Further information
Registered political party candidate nomination form SE.202	Signed by the candidate and the registered officer or deputy registered officer of the relevant registered political party
Child protection declaration	Signed by the candidate
Nomination deposit	\$500 per candidate

The full or abbreviated party name of the registered political party is printed below the candidate's name on the ballot paper.

Refer to candidate 'Phillip Bright – Unity Party' in the far right column on the sample Legislative Council ballot paper on the preceding pages to demonstrate how this candidate would appear on the ballot paper.

6.6 Nomination by 25 electors

A person can be nominated as a candidate by 25 electors who, as at 6 pm on the day of the issue of the writ, are enrolled in New South Wales.

A candidate cannot nominate themselves. The nominators can include family members. An elector cannot nominate more than one candidate.

It is the candidate's responsibility to ensure that their nominators are enrolled in New South Wales.

It is strongly recommended that candidates have more than 25 nominators, in the event that some are found to be not enrolled or have nominated another candidate.

The relevant nomination forms and deposit are:

Forms and deposit	Further information
Nomination of a candidate by 25 electors form SE.201	Signed by the candidate and at least 25 eligible electors
Child protection declaration	Signed by the candidate
Nomination deposit	\$500 per candidate

Ungrouped candidates will appear in the far right column(s) on the Legislative Council ballot paper.

These candidates may choose to have either the word 'Independent' printed below their name on the ballot paper, or nothing printed below their name on the ballot paper.

Refer to candidates 'Larry White Independent', 'Lenny Bruston' and 'Rodney Whiterod Independent' in the far right column on the sample Legislative Council ballot paper on the preceding pages to demonstrate how these candidates would appear on the ballot paper.

6.7 Nomination by 25 electors forming a group

A candidate nominated by 25 electors may wish to form a group on the ballot paper with other candidates nominated by 25 electors.

The relevant nomination forms and deposit are:

Forms and deposit	Further information
Nomination of a candidate by 25 electors form SE.201	Signed by the candidate and at least 25 eligible electors
Child protection declaration	Signed by the candidate.
Legislative Council – request to form a group form SE.203	Signed by all candidates wishing to form the Legislative Council group
Nomination deposit	\$500 per candidate capped at \$5,000 for groups of over 10 candidates

Two or more candidates nominated by 25 electors may form a group. Where there are between 15 and 21 candidates in the group, they can request that a group voting square be printed on the ballot paper to be used for 'above the line' voting.

The group cannot be identified by a name below the group voting square 'above the line'. The word 'Independent' cannot be shown below the group voting square or against candidates' names 'below the line'.

Refer to the following groups on the sample Legislative Council ballot paper on the preceding pages to demonstrate how these groups would appear on the ballot paper:

- Group B – where there are 15 or more candidates in the group
- Group D – where there are 14 or less candidates in the group.

6.8 Nomination by registered political party or by 25 electors composite group

Candidates nominated by a registered political party or parties and candidates nominated by 25 electors may form a composite group on the ballot paper.

Where there are between 15 and 21 candidates, the group may request a group voting square be printed on the ballot paper to be used for 'above the line' voting.

It should be noted that in this circumstance:

- the candidates endorsed by a registered political party are not entitled to have the name of the registered political party printed below the group voting square.

- the party name or abbreviation will be displayed next to the individual candidate's name 'below the line'
- candidates nominated by 25 electors in the group are not entitled to have the word 'Independent' displayed next to their name 'below the line'.

The relevant nomination forms and deposit are:

Forms and deposit	Further information
Nomination of a candidate by 25 electors form SE.201	Signed by the candidate and at least 25 eligible electors
Registered political party candidate nomination form SE.202	Signed by the candidate and the registered officer or deputy registered officer of the registered political party
Child protection declaration	Signed by the candidate
Legislative Council – request to form a group form SE.203	Signed by all candidates wishing to form the Legislative Council group
Nomination deposit	\$500 per candidate capped at \$5,000 for groups of over 10 candidates

6.9 Child protection declaration

The Electoral Act provides that the nomination of a candidate for the Legislative Council is not valid unless it is accompanied by a **Child protection declaration**.

This declaration must be lodged with the nomination form by the close of nominations. If a person fails to complete and lodge this declaration the nomination will be invalid. The declaration of all candidates will be made public on the NSW Electoral Commission website.

It is a criminal offence to make a false declaration deliberately (maximum penalty of up to five years imprisonment). After the election, the declarations of elected candidates will be reviewed by the Children's Guardian and a report tabled in both Houses of Parliament.

6.10 Nomination deposit

A nomination deposit of \$500 must be lodged for each candidate nominating for the Legislative Council, capped at \$5000 for a Legislative Council group of between 10 and 21 candidates. The nomination deposit must be lodged by the close of nominations.

When the nomination is lodged through the NSW Electoral Commission's nomination online management system the nomination deposit can be paid electronically by Visa or Mastercard. If the nomination is lodged in person the deposit must be paid in cash, by bank cheque or credit union or building society cheque made out to the NSW Electoral Commission.

6.11 Nomination timeframe

The Legislative Council nomination form(s), the Child protection declaration(s) and deposit and, if applicable, the Legislative Council grouping form, can only be lodged from 8am Monday, 27 February 2023, to 12 noon, Wednesday, 8 March 2023.

They may be lodged by any of the following methods:

- using the NSW Electoral Commission’s nomination online management system which can be accessed at elections.nsw.gov.au
- by hand delivery to the NSW Electoral Commission, 231 Elizabeth St, SYDNEY NSW 2000
- by post to the NSW Electoral Commission, GPO Box 832, SYDNEY NSW 2001
- by email to candidates@elections.nsw.gov.au, however the nomination deposit cannot be paid by email.

Legislative Council nomination forms, deposits and, if applicable, grouping forms cannot be lodged at an Election Manager’s office for a district.

Nomination forms and grouping forms are not validly lodged unless the signature or an image of the actual signature of the candidate and the registered officer (or deputy) or nominators as applicable, appear on the nomination form, on the Child protection declaration and if applicable the grouping form.

It is strongly recommended that any potential candidate who lodges their nomination then telephones the NSW Electoral Commission head office to confirm the nomination has been received.

The onus is on the candidate to ensure all applicable forms and the deposit are lodged by 12 noon, Wednesday, 8 March 2023.

Any nomination forms, Child protection declarations, grouping forms or deposits received after 12 noon, Wednesday, 8 March 2023, will not be accepted.

6.12 Defective nomination

When a nomination is lodged, an election official at the NSW Electoral Commission head office will review the form(s) to assess whether it has been fully completed. This includes checking that:

- the candidate is enrolled in New South Wales as at 6pm on the date of the issue of the writ, Monday, 6 March 2023;
- the address on the nomination form matches the candidate’s enrolled address;
- if the candidate is nominated by a registered political party, that the details and the signature of the registered officer (or deputy registered officer) are correct;
- if the candidate is nominated by 25 electors, that the nominators are enrolled in New South Wales as at 6pm on the date of the issue of the writ and that the nominator has not nominated another candidate in the election;
- the nomination form is complete in all other respects;
- the Child protection declaration is complete; and
- the nomination deposit has been paid.

If the nomination papers are lodged in person the candidate (or their representative) should remain at the NSW Electoral Commission head office until all checks have been made. This may take several hours.

If the nomination is ultimately found to be defective, the candidate or their representative or the registered/deputy registered officer, as appropriate, will be informed. It is their responsibility to rectify and re-lodge any defective nomination by 12 noon, Wednesday, 8 March 2023.

It is strongly recommended that all nominations are lodged as early as possible so that any defects can be fixed by the candidates or their representative before nominations close. If compliance with the necessary requirements for a valid nomination has not occurred by 12 noon, Wednesday, 8 March 2023 the nomination will be rejected.

Corrections of defects in nomination forms after 12 noon on 8 March 2023 are not authorised by the Electoral Act. It is the responsibility of every person nominating to ensure that their forms do not contain any defects.

6.13 Candidate's details on the NSW Electoral Commission website

Legislative Council nomination forms are confidential and are not available for inspection.

The following candidate details will be displayed on the NSW Electoral Commission website after the ballot paper draw is held at 10am, Thursday, 9 March 2023:

- the candidate's name;
- the group order (where applicable);
- the suburb, town or other locality of the candidate's place of residence (including for silent electors);
- the Child protection declaration; and
- the candidate's or groups contact details (if supplied).

It is suggested that candidates check their details on the website to ensure they are displayed correctly. If a candidate finds an error on the website they should immediately contact the NSW Electoral Commission's candidate helpdesk on 1300 022 011.

6.14 Withdrawal of a nomination and/or withdrawal from a group

Legislative Council candidates may withdraw their nomination before 12 noon, Wednesday, 8 March 2023, by lodging a completed **Withdrawal of nomination form SE.231**.

A withdrawal request can only be signed by the candidate. A registered officer (or deputy registered officer) of a registered political party cannot withdraw a candidate's nomination, even when the party has nominated that candidate.

A candidate who is a member of a group cannot withdraw a nomination unless all other candidates in the group consent by signing a **Legislative Council withdrawal of claim to be included in a group form SE.211**.

A withdrawal request can be lodged in person, or by email. If submitting the withdrawal request by email, it must contain the signature or an image of the actual signature of the candidate(s).

The NSW Electoral Commission strongly recommends that any potential candidate who lodges a withdrawal of a nomination contact the NSW Electoral Commission's candidate helpdesk on 1300 022 011 to confirm the withdrawal has been received.

A candidate for the Legislative Council cannot withdraw their nomination after 12 noon, Wednesday, 8 March 2023.

6.15 Death of a candidate

Death of a Legislative Council candidate before the close of nominations

If a Legislative Council candidate dies after being nominated (that is the nomination has been lodged with the Electoral Commissioner) and before 12 noon Wednesday, 8 March 2023, the day named as the nomination deadline is extended by 24 hours for the Legislative Council.

Death of a Legislative Council after the close of nominations

If a Legislative Council candidate dies:

- After 12 noon, Wednesday, 8 March 2023 and before 6pm on the election day, Saturday, 25 March 2023, or
- After 6pm, Saturday, 25 March 2023, but before the election has been declared by the Electoral Commissioner,

the election is not taken to have failed. If the deceased candidate is elected, a vacancy will be taken to have occurred.

6.16 Second preference group

Candidates in groups with group voting squares are required to nominate another group with a group voting square as their second preference group.

In the event of a group having less than 15 candidates due to the death of a candidate or candidates in their group, and a voter has recorded a '1' only in the group voting square for that group, a second preference is taken to be recorded for the second preference group.

Groups with group voting squares are to lodge with the Electoral Commissioner notification of who their second preference group is no later than 12 noon, Friday, 10 March 2023. The Electoral Commissioner is required to publish the second preference group selections on the NSW Electoral Commission website.

6.17 Dual nominations

If at 12 noon, Wednesday, 8 March 2023, a person is a candidate in more than one Legislative Assembly district, or a candidate in both a Legislative Assembly district and the Legislative Council, each of those nominations is void.

6.18 Return of nomination deposit

After the election, the nomination deposit is returned, if:

- the candidate is elected
- one of the candidates in the group of which he or she is a member is elected
- the candidate or the group of which he or she is a member has received at least 4% of the total number of formal first preference votes
- the candidate dies before election day
- the candidate withdrew his or her nomination before 12 noon, Wednesday 8 March 2023, or
- the candidate had their nomination rejected due to it being incomplete at 12 noon Wednesday 8 March 2023.

The deposit is returned to:

- the registered officer of the party (if the candidate was nominated by a registered political party)
- in any other case the candidate (or a person authorised by the candidate in writing to receive it).

Section 7: Legislative Council ballot paper

7.1 Candidate's name on the ballot paper

A candidate's surname will appear on the ballot paper spelled exactly as enrolled.

Candidates are permitted to have their given name on the ballot paper as follows:

- the name (or names) in full
- an initial standing for that given name
- a commonly accepted variation of that given name, including an abbreviation or truncation (for example, Ally for Alison, Bob for Robert, etc.)
- candidates with hyphenated given names will appear as they are enrolled unless they request only one of those given names be shown, or
- a commonly used other name specific to the candidate by which the candidate is usually identified. In this case the Electoral Commissioner must be satisfied that the candidate is usually identified by the proposed name. In such cases this commonly used other name will appear in brackets on the ballot paper e.g. SMITH, Greg (Curly).

No titles, such as Dr for Doctor or JP for Justice of the Peace, or honorifics, are permitted on the ballot paper.

7.2 Candidates nominated by a registered political party

Where eligible, Legislative Council candidates nominated by registered political parties will have the registered name of the party (or its registered abbreviation) printed on the ballot paper below their name and below the group voting square (if applicable).

7.3 Candidates nominated by 25 Electors

Legislative Council candidates nominated by 25 electors who form a group cannot have the word 'Independent' printed on the ballot paper below their name and below the group voting square (if applicable).

Legislative Council candidates nominated by 25 electors who are ungrouped (i.e., candidates who appear in the far right column(s) on the Legislative Council ballot paper) may choose to have either the word 'Independent' printed below their name on the ballot paper, or nothing printed below their name on the ballot paper. The preferred format must be indicated on the nomination form.

7.4 Ballot paper draw

The draw to determine the order of groups and ungrouped candidates' names on the ballot paper for the Legislative Council will commence at 10am, Thursday, 9 March 2023, the day after the close of nominations.

Candidates or their representatives, registered political parties, media and any member of the public are welcome to attend the draw.

The draw is undertaken as two separate draws.

The first draw for position on the ballot paper is for groups. The first group drawn will be 'Group A', the second 'Group B' and so on and will appear across the ballot paper from left to right.

The second draw is for the order of ungrouped candidates who are listed in the far right column(s) of the ballot paper.

Section 8: Compulsory enrolment

8.1 Compulsory enrolment

All Australian citizens 18 years of age or over who have lived at their current NSW address for at least one month are required by law to enrol to vote for NSW state and local government elections.

Any person can check their enrolled address by visiting the NSW Electoral Commission website elections.nsw.gov.au

Any person wishing to enrol for the first time or change their existing enrolment details should go to the Australian Electoral Commission (AEC) website (www.aec.gov.au) for information on the process. The AEC jointly manages enrolment for NSW elections.

The Electoral Commissioner keeps and maintains a record of all enrolled electors in an Electoral Information Register and prepares authorised rolls for each election.

8.2 Enrolment deadline for candidates and nominators

For a person to be qualified to be nominated as a candidate for an election, they must be enrolled in New South Wales as at 6pm on the date of issue of the writs for the election, i.e., 6pm, **Monday, 6 March 2023**. That same deadline applies for persons who wish to act as nominators for candidates at elections.

Section 9: Copies of the list of electors to candidates

9.1 Legislative Assembly

Once nominated, Legislative Assembly candidates may request an electronic list of electors enrolled for the district for which they are a candidate by completing the **Candidate request for electronic roll form SE. 220**. The completed request should be sent to enrolmentsupport@elections.nsw.gov.au

The list of electors will contain the name and address of electors – the postal address where provided – and other particulars of electors entitled to vote in the election, but it will not contain the address of any silent elector.

9.2 Legislative Council

Once nominated, Legislative Council candidates may request an electronic list of electors for the whole of New South Wales by completing the **Candidate request for electronic roll form SE.220**. The completed request should be sent to enrolmentsupport@elections.nsw.gov.au

The list of electors will contain the name and address of electors – the postal address where provided – and other particulars of electors entitled to vote in the election, but it will not contain the address of any silent elector.

9.3 Privacy and security of enrolment information

Candidates must protect the security and privacy of any enrolment information, as it contains electors' personal information. Before being provided with a list of electors, candidates will be required to provide the Electoral Commissioner with an undertaking that they have adequate systems and procedures to preserve the security of that information, by completing the form **Undertaking to the NSW Electoral Commissioner for the provision of enrolment information SE 220A**.

It is an offence for a candidate to use the list of electors other than for a permitted purpose in connection with their candidacy at the election. It is also an offence to disclose the list of electors other than for a permitted purpose, or to use the information for a commercial purpose, or to sell or offer the information for sale. There are significant penalties for candidates or others using a list of electors for any reason other than a permitted purpose.

Section 10: Political donations

Parties, groups, candidates and other election participants in the 2023 NSW State election are responsible for understanding and complying with the rules for political donations.

This section provides an overview about who is responsible for the management and disclosure of political donations and electoral expenditure and the requirements for political donations.

For further information go to the [NSW Electoral Commission website](#) or [contact us](#).

10.1 Who is responsible for the management and disclosure of political donations and electoral expenditure?

Political parties, candidates, groups and party agents must understand their responsibilities for managing and disclosing political donations and electoral expenditure.

Political parties

Each political party, whether or not a registered party, is responsible for maintaining complete and accurate records of the political donations and electoral expenditure of the party and for the operation of the party's campaign accounts.

It is a matter for each party to authorise individuals to accept political donations on behalf of the party and to make payments for electoral expenditure from the campaign account of the party.

The party agent of each party is responsible for the disclosure of the political donations made and received and electoral expenditure incurred by the party.

If the party agent is absent or unavailable, the registered officer of a political party can lodge a disclosure or public funding claim if the registered officer has completed the agent training (or is exempt), and the party agent or registered officer has advised the NSW Electoral Commission in writing in advance of any occasion on which the registered officer is to lodge a disclosure or claim on the agent's behalf. A party agent remains the person who is legally responsible for making disclosures for a political party.

If a candidate at the election has been dis-endorsed by a political party, the party agent may notify the NSW Electoral Commission of this. Once the NSW Electoral Commission has received this notice, the person responsible for making a disclosure for the dis-endorsed candidate will be the candidate, and not the party agent of the party.

State election elected members and candidates who are members of a registered political party

The party agent of a political party that is registered for State elections is responsible for the disclosure of political donations and electoral expenditure of all elected members and candidates at the 2023 NSW State election who are members of the party.

This is the case even if a candidate (including an elected member who is seeking re-election) was not nominated by the party for the election. It is a matter for each party to determine whether to continue a person's membership of the party where the person has not been nominated by the party as a candidate at the election.

The party agent's responsibilities also include:

- maintaining complete and accurate records of the political donations and electoral expenditure of the elected member or candidate, and
- using the party's campaign account to deposit political donations made to the elected member or candidate, and
- depositing into the party's campaign account any contributions made by the elected member or candidate to their own campaign, and
- paying electoral expenditure incurred on behalf of the elected member or candidate from the party's campaign account.

If the party agent is absent or unavailable, the registered officer of a political party can lodge a disclosure or public funding claim if the registered officer has completed the agent training (or is exempt), and the party agent or registered officer has advised the NSW Electoral Commission in writing in advance of any occasion on which the registered officer is to lodge a disclosure or claim on the agent's behalf. A party agent remains the person who is legally responsible for making disclosures for the elected member or candidate.

State election candidates and elected members who are not members of a registered political party

Each elected member or candidate who is not a member of a political party that is registered for State elections is responsible for managing and disclosing their own political donations and electoral expenditure.

The elected member or candidate's responsibilities also include:

- maintaining complete and accurate records of the political donations and electoral expenditure of the elected member or candidate, and
- operating a campaign account to deposit political donations made to the elected member or candidate, and
- depositing into their campaign account any contributions made by the elected member or candidate to their own campaign, and
- paying electoral expenditure incurred by the elected member or candidate from their campaign account.

The elected member or candidate is responsible for the disclosures of political donations made and received and electoral expenditure incurred by the elected member or candidate.

State election groups whose members are members of a registered political party

The party agent of a political party that is registered for State elections is responsible for the political donations and electoral expenditure of all groups at the 2023 NSW State election whose members are members of the party.

This is the case even if a group was not formed with the authorisation of the party. It is a matter for each party to determine whether to continue the party membership of individuals where the individuals have formed a group without the authorisation of the party.

If at least one group member is a member of one registered party and at least one group member is a member of another registered party, the party agent of the party that the group's lead candidate is a member of, is the person responsible for the group.

The party agent is responsible for maintaining complete and accurate records of the political donations and electoral expenditure of the group and for using the party's campaign account to deposit political donations made to the group and pay electoral expenditure incurred on behalf of the group.

The party agent is responsible for the disclosure of political donations made and received and electoral expenditure incurred on behalf of the group.

State election groups where at least one member of the group is not a member of a registered political party

In the case of a group where at least one group member is not a member of a political party that is registered for State elections, the candidate who is the lead candidate in the group is responsible for managing and disclosing the group's political donations and electoral expenditure. The lead candidate is:

- the candidate who is listed first in a request to form a group for the ballot paper
- if the group was registered for the election, the candidate who is listed first in relation to the group in the Register of Candidates.

The lead candidate is responsible for maintaining complete and accurate records of the political donations and electoral expenditure of the group, and for operating a campaign account to deposit political donations made to the group, and pay for electoral expenditure incurred by the group.

The lead candidate is responsible for the disclosure of political donations made and received and electoral expenditure incurred by the group.

10.2 What is a political donation?

Political donations are strictly regulated at NSW State elections and penalties apply for non-compliance. All party agents, candidates, groups and any person authorised or appointed to accept political donations must understand these rules before accepting political donations.

Generally, a political donation has a different meaning for a party, group, candidate or other electoral participants, such as associated entities and third-party campaigners.

Parties and groups – A political donation is a gift made to, or for the benefit of a political party or group of candidates.

Elected members – A political donation is a gift made to or for the benefit of a Member of Parliament or a local government councillor or mayor, the whole or part of which was used or is intended to be used by the elected member:

- solely or substantially for a purpose related to an election or to the elected member's duties as an elected member, or
- to enable the elected member to make, directly or indirectly, a political donation or to incur electoral expenditure, or
- to reimburse the elected member for making, directly or indirectly, a political donation or incurring electoral expenditure.

Candidates – A political donation is a gift made to or for the benefit of a candidate, the whole or part of which was used or is intended to be used by the candidate:

- solely or substantially for a purpose related to an election, or
- to enable the candidate to make, directly or indirectly, a political donation or to incur electoral expenditure, or
- to reimburse the candidate for making, directly or indirectly, a political donation or incurring electoral expenditure.

Others – A political donation is a gift made to or for the benefit of an entity or other person (not being a party, elected member, group or candidate), the whole or part of which was used or is intended to be used by the entity or person:

- to enable the entity or person to make, directly or indirectly, a political donation or to incur electoral expenditure, or
- to reimburse the entity or person for making, directly or indirectly, a political donation or incurring electoral expenditure.

A political donation includes:

- a monetary gift
- a non-monetary gift
- the provision of a service at no charge, or at a discounted rate

- a contribution, entry fee or other payment entitling a person to participate in, or benefit from, a fundraising event where the amount paid forms part of the gross proceeds of the venture or function
- annual or other subscriptions paid to a political party by a member of a party or by a person or entity for affiliation with the party
- a disposition of property:
 - to a NSW party branch of a political party from the federal branch of the party,
 - to a NSW party branch of a political party from another State or Territory party branch of the party, or
 - from a political party to another political party (e.g. common membership, coalition arrangement)
- uncharged interest on a loan i.e. the additional amount that would have been payable by an entity or person if the loan had been made on terms requiring the payment of interest at the generally prevailing interest rate for a loan of that kind, and the interest payable had not been waived, and any interest payments were not capitalised.
- any part of a gift that is subsequently used to incur electoral expenditure.

A political donation does not include:

- the provision of voluntary labour
- the provision of voluntary professional services to a party by an officer or an elected member of the party
- a gift to an individual made in a private capacity for his or her personal use
- bequests
- public funding payments made by the NSW Electoral Commission to a political party, elected member or candidate
- a gift made solely for the purpose of a Federal election or a member of the Federal Parliament, or an election outside of New South Wales, or an elected member outside of New South Wales.

The NSW Electoral Commission issues guidelines to give further examples of what is and is not a political donation including the interest rates for loans. [The guidelines are available on the NSW Electoral Commission website.](#)

10.3 How can political donations be used?

Parties – Political donations can only be used by a party for the objects and activities of the party, including:

- the administration of the party and community activities,
- electoral expenditure for State elections and local government elections, or
- electoral expenditure for or on behalf of elected members, candidates or groups of candidates who are members of the party.

Elected members, candidates and groups – Political donations can only be used by an elected member, candidate or group:

- to incur electoral expenditure,
- to reimburse a person for incurring electoral expenditure, or another purpose authorised by the Electoral Funding Act.

- for making a donation to another elected member, group of candidates or a candidate (other than a donation to those who are not endorsed by a political party or who are endorsed by another party).

10.4 Small political donations

A small political donation is a single donation of less than \$1,000 made by a donor. A small political donation also includes multiple small donations made by the same donor to the same party, elected member, group or candidate in a financial year that in aggregate is less than \$1,000.

If a small political donation is received by a party, elected member, group or candidate a record must be kept of the donation. The total value and total number of small political donations made and received are required to be disclosed to the NSW Electoral Commission.

10.5 Reportable political donations

A reportable political donation is a single donation of \$1,000 or more made by a donor. A reportable political donation also includes multiple donations made by the same donor to the same party, elected member, group or candidate in a financial year that in aggregate are more than \$1,000 or more.

If a reportable political donation is received by a party, elected member, group or candidate a record must be kept of the donation and the donor and a receipt must be issued to the donor (or a written acknowledgement for non-monetary donations). The receipt/acknowledgement must include a statement advising the donor of the following:

If you make a political donation of \$1,000 or more, you must complete and lodge a declaration with the Electoral Commission in accordance with the *Electoral Funding Act 2018*. A political donation includes a contribution or entry fee or an annual or other subscription. You must also disclose a political donation of less than \$1,000 if the total amount of political donations made by you in respect of the same party (or associated entity), elected member, group, candidate, third-party campaigner or person in the same financial year is \$1,000 or more. Penalties apply for failing to lodge a declaration.

Parties – receipts/acknowledgments for reportable political donations are to be issued by a person authorised by the party.

Elected members, candidates and groups – receipts/acknowledgments for reportable political donations are to be issued by the person responsible as applicable to the elected member, candidate or group.

The full details of all reportable political donations made and received are required to be disclosed to the NSW Electoral Commission.

10.6 Reportable loans

A reportable loan is a loan that, if it had been a gift, would be a reportable political donation. A loan includes an advance of money, the provision of credit or any other transaction that in substance effects a loan of money.

A person accepting a loan must keep the following records of a reportable loan (other than a loan from a financial institution):

- the terms and conditions of the loan, and
- the name and address of the entity or other person making the loan.

If a person or entity makes more than one loan to the same party, elected member, group, candidate or other person within a financial year, the loans are to be aggregated and treated as a single loan.

Each transaction in which credit is provided by the use of a credit card is taken to be a separate loan.

The details of reportable loans received must be disclosed to the NSW Electoral Commission.

It is unlawful for a person to accept a reportable loan without keeping the records required above.

10.7 Who can make a political donation?

Only certain individuals and entities are eligible to make political donations in New South Wales:

- an individual enrolled to vote at federal elections or in New South Wales for State or Local Government elections, or
- an entity with a business number recognised by the Australian Securities and Investments Commission (e.g. ABN or ACN), or
- an individual or entity who has supplied to the NSW Electoral Commission identification that is acceptable to the NSW Electoral Commission (individuals or entities seeking approval of acceptable identification in order to make political donations must use the Application for approval of acceptable identification by a potential political donor (EF.708).

It is unlawful to accept a political donation from a person or entity who is not eligible to make political donations. Further, certain individuals and entities are prohibited from making donations (see prohibited donors for further information).

10.8 Accepting political donations

Recipient or beneficiary of donation	Person accepting donation	Prerequisites for accepting donations	Further obligations of person accepting donation
Political party	Any person authorised by the party to accept political donations	Ensure that the donor is eligible to make political donations and the donation is not unlawful.	<p>Deposit donations (that will be used by the party to incur electoral expenditure for the State election) into the party's State campaign account.</p> <p>Provide the details of the donation and donor to the party so the party can keep complete and accurate records and can issue a receipt or acknowledgement to the donor if the donation is reportable.</p>

Recipient or beneficiary of donation	Person accepting donation	Prerequisites for accepting donations	Further obligations of person accepting donation
Elected member, candidate or group – party members	The party agent	The candidate or group is registered for the election with the NSW Electoral Commission (refer to the section Registration of candidates and groups). Ensure that the donor is eligible to make political donations and the donation is not unlawful.	Deposit donations (that will be used by the party to incur electoral expenditure for the State election) into the party's State campaign account. Keep a complete and accurate record of each political donation made to or for the benefit of an elected member, candidate or group, and issue the donor with a receipt/acknowledgement if the donation is a reportable political donation.
Elected member, candidate or group – not party members	The elected member, candidate or lead candidate of the group	The candidate or group is registered for the election with the NSW Electoral Commission (refer to the section Registration of candidates and groups). Ensure that the donor is eligible to make political donations and the donation is not unlawful.	Pay donations into the campaign account of the elected member, candidate or group. Keep a complete and accurate record of each political donation made to or for the benefit of an elected member, candidate or group and issue the donor with a receipt/acknowledgement if the donation is a reportable political donation.

10.9 Anonymous political donations

Before a person accepts a reportable political donation, the person must know the name and address of the person who is making the donation and the person making the donation must give the person accepting the donation the donor's name and address.

It is unlawful to accept a reportable political donation from an anonymous donor and if the person accepting the donation has grounds to believe that the name and address given by the person are not the true name and address of the donor the donation must not be accepted.

10.10 Prohibited donors

Individuals and entities from certain industries are prohibited from making political donations in New South Wales. It is unlawful for a:

- prohibited donor to make a political donation
- person to make a political donation on behalf of a prohibited donor
- person to accept a political donation from a prohibited donor or a person on behalf of a prohibited donor
- prohibited donor to solicit another person to make a political donation, and
- person to solicit another person on behalf of a prohibited donor to make a political donation.

A prohibited donor is:

- a property developer
- a tobacco industry business entity
- a liquor or gambling industry business entity
- close associates of the above, and
- any industry representative organisation if the majority of its members are prohibited donors.

For the detailed definitions of prohibited donors refer to [section 53 of the Electoral Funding Act](#).

10.11 Caps on political donations

Political donations are capped in New South Wales. Caps on political donations are adjusted each financial year and are published on the [NSW Electoral Commission website](#). The current caps are:

- \$7,000 to or for the benefit of a registered political party or group, and
- \$3,300 to or for the benefit of an unregistered party, candidate, elected member, associated entity or third-party campaigner.

For the purpose of the donation caps:

- political donations made by the same donor to the same recipient in a financial year are to be aggregated
- political donations made by the same donor to elected members, candidates and groups of candidates endorsed by the same party in a financial year are to be aggregated
- donations made by the same donor to the same recipient in a financial year are to be aggregated separately in relation to donations for local government elections and donations for other purposes.

There are a number of exemptions that apply to the caps on political donations:

- a party levy paid to a party by an elected member or a candidate who is a member of the party
- an amount paid to a party by a Legislative Assembly candidate who is a member of the party, during the financial year of a State general election, is exempt from the donation caps up to \$66,400, which is the maximum amount of electoral expenditure the party can incur substantially for the purpose of the candidate's electoral district
- an amount paid to a party by a Legislative Council candidate who is a member of the party, during the financial year of a State general election, is exempt from the donation caps up to \$55,800
- an amount paid to a Legislative Council group by a candidate who is a member of that group but who is not a member of a party, during the financial year of a State general election, is exempt from the donation caps up to \$55,800
- an annual or other subscription paid to a party by a member of the party, or by an entity or other person for affiliation with the party, is exempt from the donation caps, up to the following amounts:
 - a party member – \$2,000
 - a party affiliate whose subscription to the party is not based on the number of members of the affiliate – \$2,000, and
 - a party affiliate whose subscription to the party is based on the number of members of the affiliate – \$2,000 per member of the affiliate.

It is unlawful to accept a political donation if the donation exceeds the applicable cap on donations.

A political donation that exceeds the applicable cap on donations is not unlawful if it, or the amount in excess of the cap, is paid into an account kept exclusively for federal election campaigns.

An individual who makes a political donation on behalf of a corporation that is related to another corporation that has made a political donation to the same party, elected member, group or candidate in the same financial year must disclose to the person accepting the donation the following about the other corporation and its political donations:

- the name of the corporation making the political donation
- the names of the other corporations and the amounts of the political donations made during that same financial year.

10.12 Self-funding

'Self-funding' contributions made by a candidate to their own campaign are not political donations and are not subject to donation caps. Contributions made by a candidate to the group or party of which the candidate is a member are political donations from the candidate to the group or party and are subject to the donation caps.

If a candidate is responsible for operating their campaign account, the 'self-funding' contribution must be paid into the campaign account. If a party agent is responsible for a candidate, the 'self-funding' contribution must be paid into the party's State campaign account by the party agent.

During the financial year of a State election, a candidate who is a member of a registered political party may make:

- self-funding contributions to the party agent to be paid into the State campaign account of the party to finance the candidate's own election campaign, and
- the following political donations to the party:
 - political donations subject to the donation cap of \$7,000, and
 - political donations of up to \$66,400, which is the maximum amount of electoral expenditure the party can incur substantially for the purpose of the candidate's electoral district.

10.13 Indirect campaign contributions

The following are indirect campaign contributions to a party, elected member, group or candidate:

- the provision of free or discounted office accommodation, vehicles, computers or other equipment for use solely or substantially for election campaign purposes
- the full or part payment by a person of electoral expenditure for advertising or other purposes incurred or to be incurred by the party, elected member, group or candidate (or an agreement to make the payment), and
- the waiving of all or any part of a payment of electoral expenditure for advertising incurred or to be incurred by a party, elected member, group or candidate.

In relation to an indirect campaign contribution, electoral expenditure for advertising is taken to be incurred by a party, elected member, group or candidate if the advertising is authorised by the party, elected member, group or candidate.

An indirect campaign contribution does not include:

- volunteer labour or the incidental or ancillary use of vehicles or equipment of volunteers
- anything provided or done by a party for the candidates endorsed by the party in accordance with arrangements made by the party agent of the party
- a public funding payment made to a party, elected member or candidate by NSW Electoral Commission.

It is unlawful for a person to make or accept the following indirect campaign contributions taking into account the total value of things provided or done by the same person over the same financial year:

- anything provided to or done for the benefit of a registered party or a group valued at more than \$7,000
- anything provided to or done for the benefit of an unregistered party, elected member or candidate valued at more than \$3,300.

The above amounts are relevant to the 2022/23 financial year and are adjusted each financial year.

10.14 Political donations to independent candidates

A party, or a candidate or elected member endorsed by a party, or an associated entity of a party, must not make political donations to a candidate, or group of candidates, not endorsed by that or any other party and the candidate or group of candidates must not accept the political donation.

Section 11: Electoral expenditure

Parties, groups, candidates and other electoral participants in the 2023 NSW State election are responsible for understanding and complying with the rules for electoral expenditure set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of what parties, groups, candidates and other electoral participants need to understand about electoral expenditure.

The rules set out in the section [Political Donations](#) in relation to who is responsible for the management and disclosure of political donations and electoral expenditure apply for all electoral expenditure incurred in relation to the election.

Parties and candidates may be eligible to claim a reimbursement of a portion of electoral expenditure after the election, refer to the section [Public funding of election campaigns](#).

For further information go to the [NSW Electoral Commission website](#) or [contact us](#).

11.1 What is electoral expenditure?

Electoral expenditure is expenditure:

- for or in connection with promoting or opposing, directly or indirectly, a political party, or the election of a candidate or candidates, or
- for the purpose of influencing, directly or indirectly, the voting at an election.

Electoral expenditure is expenditure incurred:

- on advertisements in radio, television, the internet, cinemas, newspapers, billboards, posters, brochures, how-to-vote cards and other election material
- on the production and distribution of election material
- on the internet, telecommunications, stationery and postage
- in employing staff engaged in election campaigns
- for office accommodation for any such staff and candidates (other than for the campaign headquarters of a party or for the electorate office of an elected member)
- on travel and travel accommodation for candidates and staff engaged in electoral campaigning
- on research associated with election campaigns (other than in-house research), and
- in raising funds for an election.

Electoral expenditure also includes expenditure incurred in the use or acquisition of any of the following items within a 10-week period that includes election day and which is terminated or disposed of within that period:

- a motor vehicle
- motor vehicle accessories
- a vessel or aircraft used for the purpose of navigation
- televisions and radios
- television and radio broadcasting equipment
- electronic equipment for recording sounds or visual images
- photographic equipment
- computers and associated equipment and computer software, or
- office furniture and equipment.

Electoral expenditure includes only so much of the purchase price of the property that is not recovered in the disposal of the property.

11.2 What is not electoral expenditure?

Electoral expenditure does not include:

- expenditure incurred substantially in respect of an election of members to a Parliament other than the NSW Parliament
- expenditure on factual advertising of:
 - meetings to be held for the purpose of selecting a person for nomination as a candidate for election
 - meetings for organisational purposes of parties, branches of parties or conferences, committees or other bodies of parties or branches of parties
 - any other matter involving predominantly the administration of parties or conferences, committees or other bodies of parties or branches of parties.

The NSW Electoral Commission issues guidelines to give further examples of what is and is not electoral expenditure. [The guidelines are available on the NSW Electoral Commission website.](#)

11.3 Making payments for electoral expenditure

Electoral participant incurring electoral expenditure	Person making payments	Prerequisites for making payments	Further obligations of person making payments
Political party	Any person authorised by the party to make payments for electoral expenditure	Electoral expenditure incurred for the State election campaign must be made from the party's State campaign account, by any person authorised by the party.	Provide the details of the expenditure to the party so the party can keep complete and accurate records.
Elected member, candidate or group – party members	The party agent	<p>The candidate or group is registered for the election with the NSW Electoral Commission (refer to the section Registration of candidates and groups).</p> <p>The electoral expenditure must be made by the party agent from the party's state campaign account.</p>	The party agent must keep a complete and accurate record of all electoral expenditure incurred on behalf of an elected member, candidate or group, because it is separate to any electoral expenditure incurred by the party substantially for the purposes of the election in a particular electoral district.
Elected member, candidate or group – not party members	The elected member, candidate or lead candidate of the group	<p>The candidate or group is registered for the election with the NSW Electoral Commission (refer to the section Registration of candidates and groups).</p> <p>The electoral expenditure must be paid by the elected member, candidate or lead candidate from the campaign account of the elected member, candidate or group.</p>	The elected member, candidate or lead candidate must keep a complete and accurate record of all electoral expenditure incurred by the elected member, candidate or group.

11.4 Caps on electoral expenditure

Electoral expenditure in connection with a State election campaign is capped during the capped expenditure period for the election. Caps on electoral communication expenditure apply to:

- parties,
- independent Legislative Council groups,
- ungrouped Legislative Council candidates, and
- Legislative Assembly candidates.

It is unlawful for a party, candidate or group to incur electoral expenditure during the capped expenditure period for the election that is in excess of the caps.

What are the expenditure caps?

The expenditure caps applicable to the 2023 NSW State election are:

Category	Expenditure cap
A party that endorses more than 10 Legislative Assembly candidates	\$132,600 multiplied by the number of electoral districts in which a candidate is endorsed by the party
A party that endorses 10 or fewer (including zero) Legislative Assembly candidates	\$1,389,900
Additional electoral district cap within overall cap for parties	\$66,400
Independent Legislative Council groups of candidates	\$1,389,900
Endorsed Legislative Assembly candidates	\$132,600
Independent Legislative Assembly candidates	\$198,700
Ungrouped Legislative Council candidates	\$198,700

There are a number of rules that apply at a State election which require parties and others to aggregate electoral expenditure with the electoral expenditure of others for the purposes of the expenditure caps:

- If a party endorses two or more candidates in an electoral district, the electoral expenditure of those candidates is to be aggregated and is to be within the applicable expenditure cap of an endorsed Legislative Assembly candidate;
- The electoral expenditure of a Legislative Council candidate or group is to be aggregated with the expenditure of the party and is to be within the applicable expenditure cap of the party; and
- The electoral expenditure of an elected member (including an elected member who is not standing as a candidate at the election) or associated entity of a party is to be aggregated with the expenditure of the party and is to be within the applicable expenditure cap of the party.

What is the capped expenditure period?

The capped expenditure period for the 2023 NSW State election starts 1 October 2022 and ends on election day, 25 March 2023.

When is electoral expenditure incurred?

For the purposes of the expenditure caps, expenditure is taken to be incurred when the services are provided or the goods are delivered. For example:

- when the advertising is broadcast or published
- when the electoral material is distributed, or
- the period of employment of election campaign staff.

Even if payments for electoral expenditure are made outside of the capped expenditure period, if the services are provided or the goods are delivered including the examples above, during the capped expenditure period, the expenditure is subject to the caps.

Exemptions from the caps

The following exemptions apply for the purpose of calculating electoral expenditure counted towards the caps for candidates, groups and parties:

- The cost of expenditure incurred on travel and travel accommodation for candidates and staff engaged in electoral campaigning. (Note: this does not apply to expenditure incurred in connection with a motor vehicle, vessel or aircraft decorated with or displaying advertising or electoral material for a candidate or party – which must be included in the calculation of electoral expenditure counted towards the caps).
- The cost of expenditure incurred for office accommodation for a single campaign office for a candidate or a party engaged in an election campaign, including for the campaign headquarters of a party, but only to a maximum amount of \$20,000 for the current 2023 State election capped expenditure period. (Note: such costs over \$20,000 must be included in the calculation of electoral expenditure counted towards the caps).

The amounts that are exempt from the expenditure caps for candidates, groups and parties must still be disclosed as electoral expenditure and the exemptions do not apply to third-party campaigners and associated entities.

Section 12: Campaign accounts and record keeping

Parties, groups, candidates and other election participants at the 2023 NSW State election are responsible for understanding and complying with the rules for campaign accounts and record keeping set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of what parties, groups, candidates and other election participants need to understand about operating a campaign account and keeping records of political donations and electoral expenditure.

The rules set out in the section [Political Donations](#) in relation to who is responsible for the management and disclosure of political donations and electoral expenditure apply to the use of campaign accounts and keeping of records.

For further information go to elections.nsw.gov.au/Funding-and-disclosure/Campaign-accounts or [contact us](#).

12.1 What is a campaign account?

A campaign account is an account that is required to be kept by a party for making payments of electoral expenditure. A party's campaign account may also be required to be used by the party agent on behalf of elected members, candidates and groups the party agent is responsible for.

A campaign account is also an account that is required to be kept by an elected member, group or candidate for an election where the elected member, lead candidate or candidate is responsible for the management and disclosure of political donations and electoral expenditure.

A campaign account is to be separate to any other accounts of the party, elected member, group or candidate and must be held with a financial institution in Australian dollars.

There are no requirements under the Electoral Funding Act as to the name of a campaign account however a financial institution may require an account to be kept in the name of the party, elected member, group or candidate.

State campaign account of a party

A political party must keep a campaign account for a State election campaign before incurring electoral expenditure for a State election. The campaign account is known as the State campaign account of the party. A separate campaign account is to be kept by a party for electoral expenditure for a Local Government election called the Local Government campaign account.

All electoral expenditure incurred by the party for a State election must be paid from the party's State campaign account. Other accounts kept by the party and accounts kept by local branches of the party must not be used for payments of electoral expenditure for a State election.

The party may authorise any person to operate the party's campaign account. When opening a campaign account those people who have been authorised by the party to operate the campaign account must also be authorised by the financial institution to operate the account.

The following may be paid into the State campaign account of a party:

- political donations made to the party (including the proceeds of the investment or disposal of any political donation of property that is held as an asset of the account) other than political donations (or the proceeds of political donations) paid into a local government or federal campaign account;
- political donations paid to a party agent of the party on behalf of an elected member, candidate or group where the party agent is responsible;
- contributions by candidates to finance the candidates' own election campaigns (where the party agent is responsible);
- payments made to the party by the NSW Electoral Commission from the Election Campaigns Fund;
- money borrowed by the party at any time (other than money borrowed for a local government or federal election),
- a bequest to the party, and
- money belonging to the party on 1 January 2011 (including the proceeds of the investment or disposal of any other property belonging to the party on or before 1 January 2011 and including the proceeds of an investment made, or disposal of property purchased, after 1 January 2011 from the money or proceeds).

Other money may be paid into the State campaign account in addition to the above list except for the following which may not be paid into the State campaign account:

- a party subscription except an amount that exceeds the maximum subscription referred to in the section [Political Donations](#) (refer to information about caps on political donations) and that constitutes a political donation to the party;
- an amount of a political donation to the party that exceeds the applicable cap on political donations to the party;

- an amount of a political donation to an elected member, group or candidate that exceeds the applicable cap on political donations to the elected member, group or candidate (where the party agent is responsible) party; and payments made to the party by the NSW Electoral Commission from the administration fund or new parties fund.

For political donations that exceed the applicable cap on donations to a party, elected member, group or candidate, the donation may first be deposited into the State campaign account but then the amount exceeding the cap must be paid into an account kept exclusively for federal election campaigns.

The State campaign account of a party can also be used to make payments for other expenditure (except electoral expenditure for Local Government elections).

12.2 Campaign account for an elected member, group or candidate where the party agent is responsible

Question	Answer
Which campaign account to use	The party's State campaign account, kept by the party agent. The party agent must be authorised to operate the party's State campaign account for these purposes and must have access to the bank statements to keep complete and accurate records. (The elected member, group or candidate cannot keep a campaign account for the election).
Who can make payments into or from the campaign account	Into the campaign account – the party agent. From the campaign account – any person appointed by the party agent. The party agent should keep a written record of the appointment.
What can be deposited into the campaign account	Contributions made by the candidate to finance their own campaign. Political donations made to or for the benefit of the elected member, group or candidate, subject to political donation caps and rules, including a contribution made by a candidate to finance the election campaign of the group of which the candidate is a member.
What can be paid from the campaign account	Payments for electoral expenditure on behalf of the elected member, group or candidate. Payments for electoral expenditure for an electoral district. This is separate from the above payments and separate expenditure caps apply to the party and each candidate.
What can be paid outside the campaign account	Minor payments of electoral expenditure of \$50 or less (and no more than \$1,000 in total in an election period). A record must be kept by the party agent in the petty cash book that is required to be kept.

12.3 Campaign account of an elected member, group or candidate where the elected member, lead candidate or candidate is responsible

Question	Answer
<p>Which campaign account to use</p>	<p>A campaign account kept for each political participant who or which, in the period from 22 April 2019 to 24 April 2023:</p> <ul style="list-style-type: none"> • Received political donations • Incurred at least \$1,000 in total electoral expenditure <p>For example, if a candidate in a group receives a political donation for their own benefit, they must keep a separate campaign account to the group.</p>
<p>Who can make payments into or from the campaign account</p>	<p>Group campaign account: the lead candidate, or a person appointed by them to do so.</p> <p>Candidate or elected member campaign account: the candidate or elected member, or a person appointed by them to do so.</p> <p>The person operating the account must be authorised with the financial institution to operate the account. A written record should be kept of any appointments.</p>
<p>What can be deposited into the campaign account</p>	<p>Group campaign account:</p> <ul style="list-style-type: none"> • Political donations to or for the benefit of the group, including donations from candidates in the group (subject to political donation caps and rules) <p>Candidate or elected member campaign account (if kept):</p> <ul style="list-style-type: none"> • Political donations to or for the benefit of the candidate or elected member (subject to political donation caps and rules) • Contributions made by the candidate to finance their own campaign. • Payments made to the candidate by the NSW Electoral Commission from the Election Campaigns Fund
<p>What can be paid from the campaign account</p>	<p>Group campaign account:</p> <ul style="list-style-type: none"> • Payments for electoral expenditure for the group (only using political donations to or for the benefit of the group). • Reimbursements to the group for money paid into the account by the group. • Political donations to elected members, groups or candidates who are members of the same party as the group members. <p>Candidate or elected member campaign account (if kept):</p> <ul style="list-style-type: none"> • Payments for electoral expenditure for the candidate or elected member (only using political donations to or for the benefit of the candidate or elected member, or contributions from the candidate to their own campaign). • Reimbursements to the candidate or elected member for money paid into the account by the candidate or elected member. • Political donations to elected members, groups or candidates who are members of the same party as the elected member or candidate.

Question	Answer
What can be paid outside the campaign account	<p>Minor payments of electoral expenditure of \$50 or less (and no more than \$1,000 in total in an election period).</p> <p>A record must be kept in the petty cash book that is required to be kept.</p>

When the account is no longer required it may be closed. Any amount remaining in the campaign account must be paid:

- to the party of which the elected member or candidate was a member at the time of the election, or
- in the case of a group – to the campaign accounts (if any) operated for the candidates who were members of the group (the amount being divided equally among the candidates), or
- if none of the above apply – to a charity nominated by the elected member, group or candidate.

Records must be kept of the bank statements from the account for the purpose of a compliance audit that will be undertaken by the NSW Electoral Commission.

12.4 Record keeping

Complete and accurate accounting and financial records must be kept by parties, party agents, elected members, groups and candidates for at least 3 years in order to for political donations and electoral expenditure to be properly disclosed.

The following people and entities are responsible for keeping records of political donations and electoral expenditure:

- a party is responsible for keeping the party's records,
- a party agent on behalf of an elected member, group or candidate for whom the party agent is responsible is responsible for keeping the elected member, group or candidate's records,
- a lead candidate on behalf of a group is responsible for keeping the group's records,
- an elected member is responsible for keeping their own records, or
- a candidate is responsible for keeping their own records.

Accounting records may be kept in paper or electronic form. If records are kept in electronic form the records must comply with the requirements for keeping paper records to the extent the requirements can be reasonably complied with.

If accounting records are kept in electronic form the responsible person must ensure that:

- entries appear in chronological sequence, and
- all entries are numbered sequentially in a manner that enables the completeness of the records to be conveniently verified, and
- no amendment to the particulars of a transaction already recorded can be made otherwise than by a separate transaction effecting the amendment, and
- a back-up copy of all records that are less than 3 years old must be made at least once a month, and
- the most recent back-up copy must be kept in a separate location so that any incident that might adversely affect the records would not affect the back-up copy.

Political party records

Political parties are required to keep the following accounting records at the party's headquarters in New South Wales:

- a receipt book for monetary reportable political donations
- an acknowledgement book for non-monetary reportable political donations
- a deposit book
- a cash book, or a receipts cash book and payments cash book
- a cheque book
- a journal, and
- a ledger.

If a party wishes to keep an alternative system of accounts, approval must be sought from the NSW Electoral Commission.

Elected member, group and candidate records

The person responsible for an elected member, group or candidate is required to keep the following paper or electronic accounting records in relation to the elected member, group or candidate's election campaign:

- a receipt book for monetary reportable political donations,
- an acknowledgement book for non-monetary reportable political donations,
- a cheque book,
- a petty cash book, and
- a cash book, or a receipts cash book and payments cash book.

If a party agent is responsible for more than one elected member, group or candidate, separate records must be kept for each elected member, group and candidate.

Receipt and acknowledgement books

The NSW Electoral Commission provides elected members, groups and candidates (and party agents where they are responsible) with receipt and acknowledgement books for reportable political donations received. To request a receipt/acknowledgement book email fdc@elections.nsw.gov.au.

Each receipt/acknowledgment comes in triplicate form: the original must be given to person who made the reportable political donation, the duplicate is to be kept by the person responsible for their records and the triplicate is to stay in the book and be sent back to the NSW Electoral Commission when the person discloses political donations to the NSW Electoral Commission.

Each receipt/acknowledgement contains a statement to advise the donor of their obligation to disclose the political donation to the NSW Electoral Commission.

An electronic version of a receipt or acknowledgement may be used with the approval of the NSW Electoral Commission.

Deposit book (applies to parties)

The deposit book must contain deposit forms in duplicate for the financial institution at which the party's account is kept. The following to be entered on each form:

- the date of the deposit
- the amount of the deposit
- the form (cash, cheque or postal order) of the deposit
- in the case of a deposit by cheque, the name of the drawer of the cheque.

A carbon impression of the deposit must be made on the duplicate form which must be retained by the party. The party must ensure that:

- the deposit book is produced to the financial institution at the time of making a deposit of a political donation, and
- the details referred to above are entered on each deposit form at the time of making the deposit, and
- the carbon impression of each complete deposit entry must be initialled by an officer of the financial institution and is stamped with the stamp of that financial institution.

A deposit book may be kept electronically as described above (e.g., it must comply with the requirements to the extent they can be reasonably complied with).

Petty cash book (applies to elected members, candidates and groups)

The paper or electronic petty cash book is used for recording cash payments for items of expenditure of \$50 or less including those payments made outside of the campaign account.

Cash book, or a receipts cash book and payments cash book

The cash book must be a book or books, with consecutively numbered sheets. The consecutive numbers of receipts issued or cheques drawn must be shown on the respective sheets. If the loose-leaf principle is used, separate sheets can be kept for the receipts cash book and the payments cash book, and it is not necessary to number the sheets consecutively.

As soon as possible after a transaction the following details must be entered in the cash book:

- on the receipts side of the cash book, on the receipts cash sheets or in the receipts cash book – details of all money received by way of political donations
- on the disbursements side of the cash book, on the payments cash sheets or in the payments cash book – details of all money disbursed by way of electoral expenditure.

At the end of each month, the cash book or books must be balanced and the balance carried forward to the commencement of the next month and in the case of a party, to a ledger account provided for that purpose.

At the end of each month:

- the entries in the cash book or books must be compared with the statement of the financial institution where the account is kept
- amounts credited to the account and appearing in the relevant statement for which no receipt had been written and amounts debited to the account and appearing in the relevant statement for which no cheque had been drawn must be entered in the cash book or books.

Any necessary reconciliation (showing the balance in the account as indicated in the relevant statement, and adding any money received but not banked and deducting any cheques drawn but not presented for payment) must be entered in the cash book at the end of the entries for the month.

A cash book may be kept electronically as described above (e.g., it must comply with the requirements to the extent they can be reasonably complied with).

Journal (applies to parties)

As soon as possible after each transaction, the party must enter in the paper or electronic journal details of:

- the value of any interest in property donated to the party, and
- details of any interest in property disposed of by the party otherwise than for money, and
- all adjustments to be made to accounts in the ledger, and
- all transfers to be made from one ledger account to another, and
- all other transactions affecting any ledger account which are not posted or to be posted from the cash book to the ledger, being transactions relating to political donations received or electoral expenditure incurred.

The details of each entry in the journal must be sufficient to identify the transaction in respect of each entry and the reason for that entry.

Ledger (applies to parties)

The ledger must contain details of all political donations received and electoral expenditure incurred.

The details must, if taken in conjunction with other details in the receipt book, cash book or books and journal, be sufficient to identify the transaction in respect of which the political donation was received or the electoral expenditure incurred.

Each entry in the cash book or books relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.

Against each entry in the ledger account there must be recorded:

- a reference to the folio of the cash book from which the entry is posted, or
- if the cash book is kept on the loose-leaf principle, a reference to the receipt number or cheque number.

Each entry in the journal relating to a political donation received or an electoral expenditure incurred must be posted as soon as practicable to the appropriate account in the ledger.

There must be recorded against each entry in the ledger account a reference to the folio of the journal from which the entry is posted, preceded by the letter “J”.

At the end of each month, each account in the ledger must be balanced and the balance (if any) must be carried forward to the commencement of the next month.

A ledger may be kept electronically as described above (e.g., it must comply with the requirements to the extent they can be reasonably complied with).

Records of DVDs, video tapes etc

The following applies to any DVD, video tape, film, transparency or electronic video file that is used:

- for the purposes of an advertisement appearing on television or at a cinema
- at the direction, or with the approval, of a party, elected member, group or candidate.

The party, elected member, group or candidate must keep any such DVD, video tape, film, transparency or electronic video file for 12 months after the advertisement was last broadcast.

The NSW Electoral Commission may ask to view a copy of the DVD etc for the purpose of undertaking a compliance audit or investigation.

Records of other advertising

The following applies to any electoral expenditure for advertising which is incurred by a party, elected member, group or candidate. The party, elected member, group or candidate must keep advertising material for 3 years after the advertising was last distributed:

- a copy of the text of any radio or internet advertisement or a copy of the radio or internet advertisement,
- if the expenditure is incurred in respect of an advertisement in one or more newspapers or periodicals:
 - the full page of the newspaper or periodical in which the advertisement is displayed
 - a statement identifying the advertisement and listing the name of each newspaper and periodical in which the advertisement was published, the size of the advertisement and the date of each publication, and
 - if the expenditure is incurred in respect of other printed election campaign material, a copy of each printed item.

Section 13: Disclosure of political donations and electoral expenditure

Parties, groups, candidates and other electoral participants at the 2023 NSW State election are responsible for understanding and complying with the rules for disclosing political donations and electoral expenditure set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of what parties, groups, candidates and other electoral participants need to understand about disclosing political donations and electoral expenditure.

If you have previously contested an election in New South Wales, you should be aware that the disclosure rules have changed including the period for lodging half-yearly political donation disclosures.

The rules set out in the section [Political Donations](#), in relation to who is responsible for the management and disclosure of political donations and electoral expenditure, apply to disclosing political donations and electoral expenditure.

For further information go to the [NSW Electoral Commission website](#) or [contact us](#).

13.1 What is disclosure?

A disclosure is the reporting of information to the NSW Electoral Commission related to:

- political donations received and made, and electoral expenditure incurred by parties, elected members, groups, candidates and associated entities,
- electoral expenditure incurred during a capped expenditure period and political donations received by third-party campaigners to pay for that electoral expenditure, and
- reportable political donations made by major political donors.

Disclosures are made in a declaration that is like a statutory declaration: the person making the disclosure must declare that all that is required to be disclosed has been disclosed. It is an offence to fail to submit a disclosure by the deadline, make a false statement in the declaration or make an incomplete disclosure without a reasonable excuse.

Disclosures made to the NSW Electoral Commission are published on the [NSW Electoral Commission website](#), including the names and addresses of those who make reportable political donations. If a political donor is a silent elector and has made a reportable political donation they should [contact us](#) to ensure their address is not published on the website.

13.2 What are the disclosure requirements for the 2023 NSW State election?

The following types of disclosures apply in relation to the 2023 NSW State election:

- pre-election disclosures of reportable political donations
- half-yearly disclosures of political donations
- annual disclosures of electoral expenditure, and
- annual disclosures of reportable political donations (major political donors only).

13.3 Pre-election disclosures of reportable political donations

All reportable political donations made or received from 1 October 2022 to 25 March 2023 (election day) must be disclosed within 21 days of being made or received as part of a pre-election disclosure.

- Parties, elected members, candidates, groups and associated entities must disclose all reportable political donations made and received within 21 days of being made or received.
- Third-party campaigners must disclose all political donations received for the purpose of incurring electoral expenditure during the capped expenditure period for the election.
- Pre-election disclosures for the 2023 State election started on 1 October 2022.
- Pre-election disclosures do not apply to donations for local government elections.
- If you have not made or received any reportable political donations during the pre-election period you are not required to make a pre-election disclosure.
- Copies of the receipts/acknowledgements issued to donors who made a reportable political donation must be provided with the disclosure.
- Major political donors are not required to make pre-election disclosures.

13.4 Half-yearly disclosures of political donations

Political donations (except those disclosed in a pre-election disclosure) must be disclosed every six months.

- Parties, elected members, candidates, groups and associated entities must disclose all political donations made and received every six months (except those disclosed in a pre-election disclosure).
- Third-party campaigners must disclose all political donations received for the purpose of incurring electoral expenditure during the capped expenditure period for the election (except those disclosed in a pre-election disclosure).
- The half-yearly periods are: 1 July to 31 December and 1 January to 30 June.
- Disclosure obligations commence from the time you become a candidate, group, or third-party campaigner.
- Disclosures must be made within six weeks of the end of each half-yearly period: that is, by 11 February and 11 August.
- Even if you have not made or received any political donations during the half-yearly period you must make a disclosure.
- Copies of the receipts/acknowledgements issued to donors who made a reportable political donation must be provided with the disclosure.
- Major political donors are not required to make half-yearly political donation disclosures.

13.5 Annual disclosures of electoral expenditure

Electoral expenditure incurred must be disclosed on an annual basis following the end of each financial year.

- Parties, elected members, candidates, groups and associated entities must disclose all electoral expenditure incurred annually.
- Third-party campaigners must disclose all electoral expenditure incurred during the capped expenditure period for the election.
- The annual period starts 1 July and ends 30 June.
- Electoral expenditure incurred must be disclosed within 12 weeks after the end of the annual period: that is, by 22 September.
- Even if you have not incurred any electoral expenditure during the annual period you must make a disclosure.
- Copies of either the accounts or receipts (or a mixture of both) issued in respect of the expenditure must be provided with the disclosure.
- Copies of any advertising material to which expenditure relates, except online advertising material if the cost of the transaction for the advertising material did not exceed \$20, must be provided with the disclosure.
- Major political donors are not required to make annual disclosures of electoral expenditure.

13.6 Annual disclosures of reportable political donations made by donors

A person or entity (other than a party, elected member, group or candidate) that makes a reportable political donation during an annual period is defined as a major political donor and must make a disclosure of all reportable political donations made in the annual period.

The annual period starts 1 July and ends 30 June each year. Annual disclosures of reportable political donations made by major political donors are due within six weeks of the end of the financial year, which is 11 August.

If you receive a reportable political donation you must issue the donor with a receipt/acknowledgement that includes a statement advising the donor of their disclosure obligation. This can assist donors in making their disclosures on time.

13.7 How to make disclosures

Disclosures can be made using [Funding and Disclosure Online](#) following the instructions on [entering data and completing a disclosure form](#). Disclosure information can be entered at any time from the start of the disclosure period until the disclosure lodgement deadline.

Disclosures can also be made using disclosure forms that are available on the [NSW Electoral Commission website](#). The forms are available during the period in which the disclosures must be made to the NSW Electoral Commission. Disclosure forms can be submitted to the NSWEC by mail, or fax.

Disclosure forms must be completed and signed by the person responsible. Information about determining who is responsible for the management and disclosure of political donations and electoral expenditure can be found in the section [Political donations](#).

Relevant supporting documentation must be provided with disclosures including receipt/acknowledgement books, copies of accounts or receipts for electoral expenditure and copies of electoral material. Parties must also provide its financial records and bank statements with the disclosure for the half-yearly period ending 30 June.

Disclosure forms must be submitted by the relevant due date. Penalties apply (including fines and prosecution) for failing to make disclosures on time. If you are unable to submit a disclosure form on time you may request an extension before or on the due date. The NSWEC can only approve an extension if there is good cause and sufficient reasons provided to justify the extension.

13.8 Amending a disclosure after it is submitted

To amend a disclosure form previously submitted to the NSW Electoral Commission use [Funding and Disclosure Online](#) following the instructions on [amending a previously submitted disclosure form](#).

13.9 Inspection and auditing of disclosures

Each disclosure is published on the [NSW Electoral Commission website](#).

The NSW Electoral Commission undertakes compliance audits of the disclosures to ensure they comply with the requirements of the Electoral Funding Act. As part of a compliance audit, the person responsible for making a disclosure must assist the NSW Electoral Commission as required.

Disclosures are retained for at least six years and are made available for inspection to the public.

Section 14: Electoral material

14.1 General

The NSW Electoral Commission may provide guidance on whether electoral material (how-to-vote cards, posters, social media posts) complies with electoral laws, but it does not provide legal advice. Electoral participants should seek their own legal advice before producing their electoral material if they have any concerns about its legality.

The legislation provides requirements in relation to content, type, placement and distribution of electoral material during the regulated election period.

Political parties, candidates, their workers, individuals, organisations and community groups must also comply with any other laws about roads, telegraph poles, private and public property and other public spaces regulated by authorities such as local councils, the NSW Police Force, and the Australian Communications and Media Authority when distributing, displaying or broadcasting electoral material. Any civil action between individuals with respect to the content of electoral material are not matters regulated by the NSW Electoral Commission.

The regulated election period

The regulated election period is from the date of the issue of the writs up to 6pm on election day, i.e. from Monday, 6 March 2023, to 6pm, Saturday, 25 March 2023.

Before the regulated election period, neither the NSW Electoral Commission nor the Election Manager regulate the content of electoral material (other than the display, publication or distribution of material falsely appearing to have been authorised by the Electoral Commission or Electoral Commissioner, which is always an offence). However, there are other laws, regulations and codes enforced by local councils and other regulatory bodies that impact the display, publication and broadcasting of electoral material.

Further, electoral expenditure is defined in the Electoral Funding Act to include amongst other things, the expenditure on the production and distribution of election material as well as the expenditure on postage. You must not accept political donations or make payments for electoral expenditure unless you first register under the Electoral Funding Act whether or not you are duly nominated as a candidate for an election. Accepting political donations or incurring electoral expenditure prior to being registered under the Electoral Funding Act may result in significant penalties.

During the regulated election period, all electoral material must meet the requirements of the Electoral Act.

Electoral material definition

Electoral material means anything, including without limitation a how-to-vote card, poster or advertisement containing *electoral matter* (whether in a tangible or an electronic form).

Electoral matter definition

Electoral matter means:

- any matter that is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at any election or
- the name of a candidate at any election, the name of the party of any such candidate, the name or address of the headquarters or campaign office of any such candidate or party, the photograph of any such candidate, and any drawing or printed matter that purports to depict any such candidate or to be a likeness or representation of any such candidate.

In addition, on election day, electoral matter also means any express or implicit reference to, or comment on:

- an election
- any local government council or any previous council
- any local government Councillor or previous Councillor
- the government, the opposition, a previous government or a previous opposition, of New South Wales or any other State or Territory of the Commonwealth
- a member or former member of the Parliament of New South Wales or any other State or Territory of the Commonwealth
- a political party, a branch or division of a political party or a candidate in an election, or
- an issue submitted to, or otherwise before, the electors in connection with an election.

Name and address on electoral material

A person must not, during the regulated election period, print, publish, distribute or publicly display electoral material (other than the announcement in a newspaper of the holding of a meeting), without legibly showing on the material:

- the name and address of the person on whose instructions the material was printed, published, distributed or displayed and
- if the material has been printed, the name of the printer and the street address of the premises at which it was printed.

The **address of a person** means an address, including a full street address and suburb or locality that is located in Australia at which the person can usually be contacted during the day, but does not include a post office box.

A **street address of the premises** does not include a post office box number or a DX number.

Authorisation requirements may vary depending on the type of material, refer to the section **Authorisation of electoral material** for the full authorisation requirements.

Non-complying electoral material

During the regulated election period, non-complying electoral material includes material that:

- does not contain the name and address of the person authorising the electoral material as explained above
- has been printed, and does not contain the name and the street address of the printer of the electoral material as explained above
- contains voting directions that are misleading
- contains untrue or incorrect statements intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of his or her vote
- contains incorrect or misleading information about a person's candidature for an election
- uses the name of a registered political party in a way that is likely to be misleading
- uses the word 'Independent' and the name of a registered political party suggesting an affiliation with that party (unless the name of that party includes the word 'Independent')
- uses voting directions contrary to the directions on the ballot paper, or that suggest a person tick or cross, leave blank, write on, or repeat or omit a preference on a ballot paper

- could result in an elector voting informally
- suggests voting is not compulsory
- contains words or matter that are obscene or offensive or
- is intended or likely to mislead an elector that it is an official communication from the Electoral Commissioner or the NSW Electoral Commission.

Non-complying how-to-vote cards

A how-to-vote card is electoral material and means any card, handbill, pamphlet or notice having any voting directions within it, whether or not it contains:

- any representation or partial representation of a ballot-paper or portion of a ballot-paper, or
- any representation or partial representation apparently intended to represent a ballot-paper or portion of a ballot-paper.

In addition to the above list of non-complying electoral material, a how-to-vote card will also be non-compliant with the Electoral Act if, for example:

- the candidates do not give first preference to themselves
- it is for a registered political party that has not endorsed a candidate for the election
- it is for a registered political party that does not preference its candidates before all other candidates
- a group does not preference all its candidates before giving preferences to any other candidates
- it contains instructions for voting *both* above the line and also for below the line, and:
 - the below the line instructions give preferences for only some of the individual members of that group or
 - the below the line instructions give preferences to individual members of that group in a different order from that appearing on the ballot paper
- it contains voting directions without using group voting squares and does not indicate the requirement to vote for at least 15 candidates.

Misleading Information

It is an offence during the regulated period to print, publish or distribute electoral material that contains either voting directions or an untrue statement that is intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of their vote.

This does not extend to the truth or otherwise of political statements that seek to motivate or influence the decision whom to vote for. It refers to the act of marking a ballot paper, for example, instructing an elector to place the number '1' on a ballot paper more than once.

Directions for voting printed on electoral material must be consistent with the requirements for a formal vote as printed on the ballot paper. It is an offence to encourage an elector to vote using a tick or a cross. Electoral material which uses the name, abbreviation, derivative or acronym of the name of a registered political party in a way which may mislead an elector is also illegal.

While the NSW Electoral Commission does not regulate the truth of political statements, it monitors disinformation and misinformation posted online during the election that has the potential to mislead the public about electoral processes. Our [Disinformation Register](#) rebuts prominent false and misleading statements about these processes.

Accuracy of how-to vote content distributed at voting centres

When including a sample of the ballot paper on how-to-vote material, the details must be an accurate representation of the ballot paper, such as the spelling of candidate's names, registered political party names and the inclusion and exclusion of the word Independent must appear exactly as they will on the ballot paper for the election. Partial representations of the ballot paper may be accepted.

On the days following the ballot paper draw, the NSW Electoral Commission will make ballot paper templates available at elections.nsw.gov.au. These templates will assist candidates in preparing their how-to-vote material.

It is important to note that how-to-vote material that looks exactly like a ballot paper may confuse electors. This could result in the elector placing the how-to-vote material in the ballot box and discarding the ballot paper, for example by placing it in a rubbish bin. When this occurs, the ballot paper is not admitted to the count.

Incorrect election date

To avoid confusion, candidates and parties who are considering displaying election posters (in compliance with other laws) before the regulated period starts are encouraged to make changes to any such poster that refers to the previous election date as soon as possible. Other electoral material referring to the previous election date should also not be distributed.

Registration of electoral material for distribution on election day that refers to the previous election date will not be approved. During the regulated period, posters and other electoral material that includes incorrect information about the election date may be subject to compliance action by the NSW Electoral Commission.

Use of coats of arms, logos, trademarks

The coats of arms, logos, trademarks of local councils and other public or private organisations may be the property of those bodies. It is recommended approval is obtained from those bodies before they are included on electoral material.

Although the NSW Electoral Commission will not direct that distribution of such electoral material cease on that basis alone, other bodies may still take legal action against persons involved with the material.

Writing and drawing or depicting electoral matter

A person must not, during the regulated period, write, draw or depict any electoral matter directly on any property, being a roadway, footpath, building, vehicle, vessel, hoarding or place (whether it is or is not a public place and whether on land or water), unless the person:

- was the owner or joint owner of the property or
- performed the act concerned with the permission in writing of the owner or a joint owner of the property or
- was the owner or joint owner of the premises on which the vehicle, vessel or hoarding was situated or
- performed the act concerned with the permission in writing of the owner or a joint owner of the premises.

These exemptions do not apply to any premises or property occupied or used by, or under the control or management of:

- the Crown or a NSW Government agency, or
- any council or county council.

14.2 Electoral material at an early voting centre

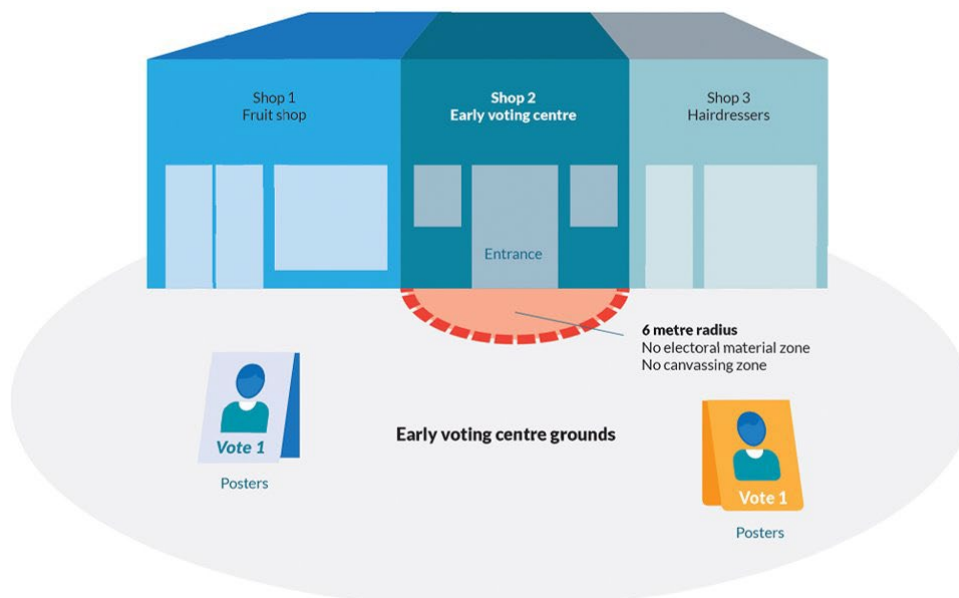
Electoral material may be handed out and posters displayed at early voting centres provided the material and/or posters meet legislative requirements.

There is no requirement for electoral material and/or posters distributed or displayed at early voting centres to be registered.

In addition to those requirements detailed earlier, the following rules apply at early voting centres:

- electoral material and/or posters cannot be distributed or displayed inside the early voting centre;
- electoral material and/or posters cannot be displayed or handed out within 6 metres of the entrance to the early voting centre; and
- posters cannot be displayed on the exterior of a building used as an early voting centre.

'Distribution' also means placement of electoral material that can be collected by electors.



Use of loudspeakers, sound systems, radio equipment, etc

A person cannot canvass or solicit for votes, or induce an elector not to vote for a particular candidate or group using a loudspeaker, sound system, radio equipment, etc where that activity is audible within the early voting centre.

14.3 Electoral material at declared facilities

Electoral material handed out and posters displayed at declared facilities (e.g. nursing homes) must meet the legislative requirements.

There is no requirement for electoral material and/or posters distributed or displayed at declared facilities to be registered.

In addition to those requirements detailed earlier, the following rules apply at declared facilities:

- electoral material and/or posters cannot be distributed or displayed inside the declared facility
- electoral material and/or posters cannot be displayed or handed out within six metres of the entrance to the declared facility
- posters cannot be displayed on the exterior of a declared facility.

'Distribution' also means placement of electoral material that can be collected by electors.

Please note that declared facilities include hospitals, nursing homes, retirement villages or similar facilities that are either privately or publicly owned.

Registered political parties, groups, candidates, and other persons or organisations, may make their own arrangements with the management of the declared facility venue for electoral material to be left at the venue, or for candidate visits to occur, before election officials are taking votes at these venues (i.e. electoral material/posters must be removed and canvassing must cease within the restricted areas while the facilities are being used as an early voting centre).

14.4 Electoral material at a voting centre

Definition of a voting centre

The voting centre is deemed to be the building where voting takes place on election day. Unless specifically instructed by the Electoral Commissioner, the voting centre does not include the grounds that surround the building, even if the grounds are enclosed by a fence or other boundary.

Therefore, the entrance to the voting centre is the door through which you enter the building where voting will take place, that is, the external door of the building. This is applicable even when voting is taking place in a room within that building, or in only one section of that building.

Electoral material may be handed out and posters displayed at voting centres provided the materials and/or posters meet the legislative requirements.

Six metre rule at voting centres

It is an offence to obstruct the access or approaches to the voting centre, or to distribute electoral material or canvass electors or display posters within six metres of the entrance to a voting centre.

'Distribution' also means placement of electoral material that can be collected by electors.

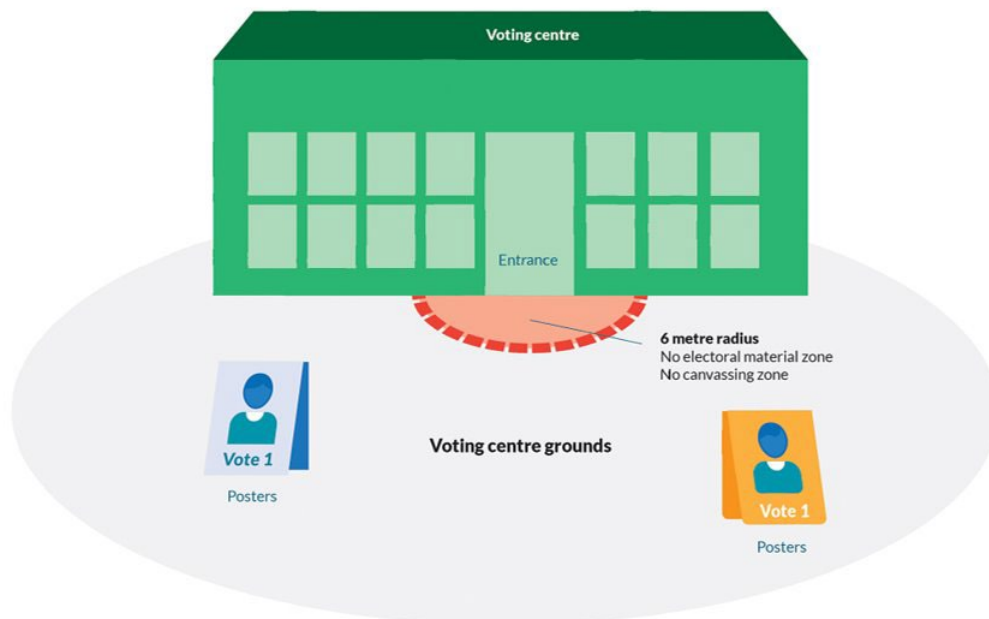
Using tape or some other landmark, such as a tree, post or line across a path, the Voting Centre Manager will establish and mark out a place that is six metres from the entrance to the voting centre.

The Commissioner has issued guidelines that voting centre managers and election officials must consider in relation to enforcing the six-metre rules. The guidelines can be found on the NSW Electoral Commission [website](#).

Diagram of a voting centre on election day

A diagram of a voting centre on election day appears below. This diagram illustrates the following:

- electoral material and/or posters cannot be distributed or displayed inside the voting centre
- electoral material and/or posters cannot be displayed or handed out within six metres of the entrance to the voting centre
- posters cannot be displayed on the exterior of a building used as a voting centre.



Canvassing in or near voting centre

A person must not canvass for votes, or solicit the vote of any elector, or induce any elector not to vote for any particular candidate or group of candidates, or induce any elector not to vote at the election, on election day within a voting centre, or within 6 metres of an entrance to a voting centre.

Use of loudspeakers, sound systems, radio equipment, etc

A person cannot canvass and/or solicit for votes, or induce an elector to vote for a particular candidate or group using a loudspeaker, sound system, radio equipment, etc, where that activity is audible within the voting centre or within 6 metres of an entrance to the voting centre.

Projections of voters at voting centres

Data projections of estimated voter turnout at each voting centre will be published on elections.nsw.gov.au in prior to the election.

This information will be of assistance to candidates, registered political parties and third-party campaigners to plan how many how-to-vote cards they may require at each voting centre and to assist when allocating candidate/party workers to attend each voting centre.

14.5 Posters

Display of posters

During the regulated period, the NSW Electoral Commission regulates the display of posters in two general ways:

- whether it complies with requirements about its content, e.g. incorrect or misleading information about voting, that it includes the name and address of the person authorising the material, etc.
- whether it has been placed in or on certain places, e.g. posters are not permitted on certain premises, or within 6 metres of venues at which people are voting, etc.

A person must not, during the regulated election period, publicly display or permit or cause to be publicly displayed, a poster consisting of electoral material that contravenes the law – see **Non-complying electoral material**.

A person must not, during the regulated election period, display or permit or cause to be displayed a poster on or within any premises occupied or used by, or under the control or management of:

- the Crown or a NSW Government agency
- any council or county council or
- on or within any other premises unless the person was the owner or a joint owner of the premises or, performed the act concerned with the permission in writing of the owner or a joint owner of the premises.

Premises includes any structure or building. It may also be unlawful for a person to attach a poster to an electricity or other utility pole without the written consent of its owner, who may take action against the person responsible.

The following exceptions apply to the display of posters:

- posters may be displayed on the outer wall, fence or other boundary of the grounds of an enclosure in which a building used for voting is situated
- posters may be displayed within the grounds of an enclosure in which a building used for voting is situated
- posters may be displayed on a vehicle on a road or road related area (within the meaning of section 4(1) of the *Road Transport Act 2013* and
- posters may be fixed or attached to a table or stall on a footpath or other public places at any time of day of voting for an election.

Size of posters and their period of display

The NSW Electoral Commission does not regulate the size of posters or the period of when they are displayed.

Candidates and parties must also be aware of other laws about election posters that the NSW Electoral Commission does not regulate. The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 states election posters may also be 'exempt development' not requiring development approval. For example, to be exempt development a poster must (note that other conditions apply):

- not be more than 0.8m² in area, and;

- be displayed only during the following periods
 - 8 weeks immediately preceding the day on which the election is held
 - the day on which the election is held
 - 1 week immediately following the day on which the election is held.

The NSW Electoral Commission does not enforce these laws. Candidates and parties should contact their local council or obtain independent advice.

14.6 Authorisation of electoral material

The following table is a summary of the authorisation requirements of electoral material during the regulated election period. More information is provided below.

Definitions:

The **address of a person** means an address, including a full street address and suburb or locality that is located in Australia at which the person can usually be contacted during the day. The address does not include a post office box.

A **street address of the premises** does not include a post office box number or a DX number.

An **electoral participant** means a political party, a candidate, a group of candidates, Members of Parliament, a third-party campaigner or an associated entity of a party.

Item	Material	Authorisation requirement
1	Electoral material generally such as How-to-vote card, poster, leaflet, sticker, magnet	a) The name and address of the person on whose instructions the material was printed, published, distributed or displayed. b) If the material has been printed, the name of the printer and the street address of the premises at which it was printed. Note: To be registered for distribution on election day, if the material was produced on behalf of a registered party, the name of person and the name and address of the registered party must be included. See Registration of electoral material .
2	T-shirt, lapel buttons, lapel badges, pens, pencils or balloons	No authorisation required.
3	Electoral advertising in newspapers	The name and address of the person on whose instructions the material was printed, published, distributed or displayed.
4	SMS	The name and address of the person on whose instructions the material was published, distributed or displayed. May satisfy the requirement by including a URL link to a website or by including in a separate SMS sent immediately from the same number.
5	Robocalls (automated telephone calls)	The name and address of the person on whose instructions the call was made.

Item	Material	Authorisation requirement
6	Bulk letters and emails	<p>a) The name and address of the person on whose instructions the material was printed, published, distributed or displayed, and</p> <p>b) If the material is printed, the name of the printer and the street address of the premises at which it was printed.</p> <p>A letter or email sent to a person in reply to a letter or email from that person, or a letter or email sent for personal purposes, does not require the authorisation.</p>
7	Electronic billboard and digital road signs	The name and address of the person on whose instructions the material was displayed.
8	Paid electoral advertisements on the internet	The name and address of the person who authorised the advertisement.
9	Radio and television	Refer to information on ACMA's website at acma.gov.au/election-and-political-ads
10	Social media post by an electoral participant (or on behalf of an electoral participant)– not paid	<p>The name and address of the electoral participant on whose instructions the material was published, distributed or displayed.</p> <p>Authorisation may be displayed:</p> <ul style="list-style-type: none"> • On the social media account profile for that account, or • On a website that is directly linked to in the post.
11	Social media post not made by an electoral participant (or on behalf of an electoral participant) where no amount was paid to the platform or the person publishing the post	No authorisation required.
12	Paid Social media posts (for example where an amount was paid to the social media platform)	<p>The name and address of the person on whose instructions the material was published, distributed or displayed.</p> <p>This must be included in all aspects of the electoral matter. The content that contains the electoral matter, such as the text, voice, image, video or animation. For video and animation, the authorisation must be displayed for a minimum of 3 seconds.</p>
13	Other forms of electronic media and advertising	The name and address of the person on whose instructions the material was published, distributed or displayed.

T-shirts, lapel badges, balloons, etc

The following items are exempt from the electoral material authorisation requirements and are not required to be registered for distribution on election day:

- T-shirts, lapel buttons, lapel badges, pens, pencils and balloons or
- a business or visiting card that promotes the candidacy of any person in an election or
- a letter or other card that bears the name and address of the sender that does not contain a representation or purported representation of a ballot paper for use in an election.

Electoral advertising in newspapers

Advertisements placed in newspapers require the name and address (a post office box is not acceptable) of the person who authorised the material. The printer is deemed to be the printer of the newspaper.

Advertisements placed in newspapers on election day do not need to be registered.

SMS

SMS communication containing electoral matter must contain the authorisation, however an SMS is not required to include the relevant name and address provided that:

- the message contains a hyperlink to a website where the name and address are published and the website remains active for the duration of the regulated period, or
- the name and address are included in a separate SMS sent immediately after the message containing the electoral material and the messages are both sent from the same number.

Information about telemarketing and spam as it relates to political matters is available at the Australian Communications and Media Authority website: acma.gov.au

Robocalls

Automated telephone calls containing electoral matter (also known as 'robocalls') must contain the name and address of an individual on whose instructions the call was made, in a clear voice, spoken in English. Automated telephone calls include automated "push poll" (attempting to sway or alter prospective voters' view) or traditional automated polls that contain electoral matter.

Bulk letters and emails

Emails containing electoral matter sent to multiple or 'bulk' recipients must include the authorisation. It is not sufficient to provide the authorisation at a separate URL link included in the email.

Letters containing electoral matter posted to multiple or 'bulk' recipients must include the name and address of the sender. If a letter contains a ballot paper representation, the details of the printer are also required.

A letter or email sent to a person in reply to a letter or email from that person, or a letter or email sent for personal purposes, does not require the authorisation.

Advertisements on electronic billboards, digital road signs or other similar device

A person must not, during the regulated period, display any electoral matter on an electronic billboard, digital road sign or other similar device, unless the matter contains, in visible, legible characters, the name and address of the person on whose instructions the matter was displayed.

Electoral advertising on radio and television

Under the *Broadcasting Services Act 1992* (Cth):

- Certain authorisation details (called ‘required particulars’) must be announced in political advertising broadcast on radio and television. For a radio broadcast, the required particulars must be announced at the end of the advertisement. For a television broadcast, the required particulars must be announced and shown at the end of the advertisement. The required particulars will depend on who authorised the broadcast, e.g. a registered political party, an other entity, or a natural person
- Political advertising must not be broadcast on radio and television from midnight on the Thursday morning before election day until the close of the poll on election day. This is known as the election ‘blackout’.

This is general information only. The Broadcasting Services Act is federal legislation administered by the Australian Communications and Media Authority (ACMA). Refer to information on ACMA’s website at acma.gov.au/election-and-political-ads. Enquiries about the required particulars and the election blackout should be directed to ACMA.

Social Media

Note: electoral participant means a political party, a candidate, a group of candidates, Members of Parliament, a third-party campaigner or an associated entity of a party.

Electoral participants must ensure their staff are aware of the authorisation requirements in relation to electoral material, particularly when posting publicly on social media during the regulated period.

Posts by electoral participants where no amount is paid to the platform

If no amount was paid to the social media platform provider in connection with the publication of the post the authorisation must include the electoral participant’s name and address.

Authorisation may be displayed:

- On the social media account profile for that account, or
- On a website that is directly linked to in the post.

Example: The relevant name and address for the electoral material is included in the “about”, “bio” or “impressum” part of the webpage or social media account profile of the person who made the post, or on whose behalf the post was made, that is accessible via a hyperlink or URL included or embedded in or accompanying the post.

The profile or website on which the name and address is published must remain publicly available until the end of the regulated period. For any link to a website where the authorisation is shown in a video or animation, the relevant name and address must be legibly shown for a period of at least 3 seconds.

Posts not made by an electoral participant where no amount is paid to publisher or platform

Social media posts not made by or on behalf of an electoral participant do not require an authorisation provided that no amount was paid nor any benefit given to the person who published the post, or the social media platform provider.

Paid social media posts

Authorisation must include the person’s name and address. Authorisation must be displayed wherever the electoral matter appears, in the content that contains the electoral matter, such as the text, voice, image, video or animation.

For Twitter only, if the authorisation is too long you may use the 'bio' section of the relevant account if it remains in place until the end of the regulated period. Other content such as images and video containing electoral matter that may be attached to a Twitter post must include the authorisation.

Authorisations provided via links should remain active until the end of the regulated period.

For Twitter, if the authorisation is too long you may use the 'bio' section of the relevant account if it remains in place until the end of the regulated period. Other content such as images and video containing electoral matter that may be attached to a Twitter post must include the authorisation.

Websites and other forms of electronic media and advertising

Websites, applications and other forms of electronic media and advertising containing electoral material must include the authorisation. This includes material that may appear surrounding, in the background of, or laid over the website or application content.

If the authorisation would be too long to include in search text advertisements, such as Google Ads, the authorisation may be provided at a URL link included in the search advertisement. Any authorisation provided via a URL link must remain active until the end of the regulated period.

14.7 Registration of electoral material

Registration of electoral material

All electoral material that is to be distributed on election day by registered political parties, groups, candidates, and any other persons or organisations, must be registered with the Electoral Commission.

It is an offence to distribute electoral material on election day unless the material has been registered. 'Distribution' also means leaving electoral material in a position and circumstances to indicate that it is intended to be available for collection by members of the public in a public place.

Posters are not required to be registered but they must comply with the other legislative requirements.

How to register electoral material

Registered political parties, groups, candidates, and other persons or organisations can access the online registration system following the ballot paper draw on Thursday, 9 March 2023, on the NSW Electoral Commission website elections.nsw.gov.au. This involves the completion of the online application form and the uploading of the electoral material to be submitted for registration.

Before the online system accepting applications, on Wednesday, 8 March and on the morning of Thursday, 9 March applications can be made by completing a paper application available from the NSW Electoral Commission website: elections.nsw.gov.au.

Once the electoral material has been submitted for registration online, NSW Electoral Commission head office staff will check the material. If the electoral material is approved, the applicant will receive an approval notification. If the electoral material is not approved, the applicant will be contacted by NSW Electoral Commission head office staff.

If a person is unable to register electoral material online, they should:

- Complete a paper copy of the **Application to register electoral material (how to vote cards) for distribution on election day form SE. 212**. This paper form is available on request from the NSW Electoral Commission 1300 022 011.

- Lodge the completed paper copy of the **Application to register electoral material (how to vote cards) for distribution on election day form SE.212** form and the electoral material to be submitted for registration by one of the following means:
 - email: candidates@elections.nsw.gov.au
 - hand deliver: to the NSW Electoral Commission head office, by appointment
 - by post: GPO Box 832 SYDNEY NSW 2001.

Election Managers are not involved in this registration process.

Time period for registration of electoral material

Electoral material is to be submitted for registration in the period commencing on Wednesday, 8 March 2023 and ending at 5pm Friday, 17 March 2023.

Electoral material registered in a language other than English

An English translation (together with a declaration that the translation is accurate) is required to be provided and must be lodged at the same time as the electoral material to be registered.

Display of approved electoral material

Registered electoral material will be displayed on the NSW Electoral Commission website elections.nsw.gov.au from Monday, 13 March 2023.

Electoral material will be progressively updated to the display of electoral material website.

Accessible electoral material

It is encouraged that electoral material that is registered is made accessible to assist electors who are blind or have low vision in accessing that material on the NSW Electoral Commission website. Please refer to [EL.228 Accessibility Guide](#) on the NSW Electoral Commission website for further assistance.

Must clearly identify the party who is distributing the material

The material must, amongst other requirements, clearly identify:

- the name of an individual on whose instructions the material was produced, and
- the address of that individual or, if the material was produced on behalf of a registered party, the name and address of the registered party as it appears on the Register of Parties, and
- if the material is printed material, the name of the printer and address at which it is printed.

Missed deadline for registering electoral material

If the deadline for registering electoral material is not met, the electoral material cannot be distributed on election day. It is an offence to distribute unregistered electoral material on election day.

Printing electoral material prior to approval

It is strongly advised that registered political parties, groups, candidates, and other persons or organisations do not print electoral material for distribution on election day prior to its registration being approved.

Electoral material distributed on election day

Not all registered electoral material must be distributed on election day. For example, a person may have registered five items of electoral material. On election day, they may choose to hand out only three of those items. Electoral material may be self-withdrawn by applicants using the online registration system before registration closes.

Ballot paper templates

On the days following the completion of the ballot paper draw by the Election Manager, the NSW Electoral Commission will arrange for ballot paper templates to be available on elections.nsw.gov.au. These templates will assist candidates in preparing their electoral material, particularly how-to-vote material.

When including a sample of the ballot paper on how-to-vote material, the details must be an accurate representation of the ballot paper, for example, the spelling of candidate's names, registered political party names and the inclusion or exclusion of the word 'Independent'. This information must appear exactly as it will on the ballot paper for the election. Partial representations of the ballot paper may be accepted.

14.8 Enquiries and allegations about electoral material

Assistance

If you have questions about the preparation and registration of electoral material, e.g. before voting starts, please raise those queries using the Contact us form on our website, by emailing us at candidates@elections.nsw.gov.au or calling 1300 022 011.

Reports alleging unlawful electoral material

To allege that electoral material used or published during the regulated election period is or was unlawful, a report should be made in writing by emailing us at candidates@elections.nsw.gov.au.

An allegation should include a copy of the electoral material. For electoral material published on the internet, a URL link or the name of a social media account and a screenshot should be provided.

The NSW Electoral Commission regulates elections in accordance with the law and in a transparent, fair and impartial way. While your report will be acknowledged, there are strict limitations on disclosure of information relating to our investigation functions. We may be authorised or required by law, however, to disclose personal information that you report to us. For example, the NSW Electoral Commission may be satisfied under the Electoral Act that it is in the public interest in a particular case to disclose information (including identifying information) publicly about a matter under investigation, including to any person who may have reported the breach or to the general public, for instance, regarding any investigation or other action that has been taken.

The NSW Electoral Commission will consider its compliance and enforcement policies when reviewing reported allegations about electoral material. Relevant principles include:

- proportionality: any action decided upon by the NSW Electoral Commission will be proportionate to the seriousness of potential breaches of the law and the surrounding circumstances
- prioritisation: reported allegations are prioritised according to a number of considerations, including but not limited to legislative timeframes and the known or foreseeable impact of potential breaches of the law and
- use of resources: decisions are made about allegations, including potential investigation and enforcement action, in a way that uses the resources of the NSW Electoral Commission appropriately.

Section 15: Voting

15.1 Early and postal voting eligibility

An elector is eligible to cast an early vote or a postal vote, if the person:

- is outside of New South Wales on election day, or
- is not throughout the hours of voting on election day within 8 kilometres of any voting centre, or
- is throughout the hours of voting on election day travelling under conditions that will preclude the person from voting at any voting centre, or
- is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any voting centre to vote, or
- in approaching maternity and will be precluded from attending at any voting centre to vote, or
- is, at a place other than a hospital, caring for a person who is seriously ill or infirm or approaching maternity and by reason of caring for the person will be precluded from attending at any voting centre to vote, or
- is, by reason of the person's membership of a religious order or his or her religious beliefs precluded from attending a voting centre or attending voting throughout the hours of voting, or
- is, by reason of his or her being kept in a correctional centre precluded from attending at any voting centre to vote, or
- will be working throughout the hours of voting on election day, or
- is a silent elector, or
- is a person with a disability (within the meaning of the *Anti-Discrimination Act 1977*), or
- believes that attending a voting centre on election day will place the personal safety of the person or of members of the person's family at risk.

15.2 Postal voting

Eligible electors may apply for a postal vote online at elections.nsw.gov.au

For electors with access to the internet, this is the most efficient way to apply for a postal vote. Electors may also contact our call centre on 1300 135 736 and have a call centre operator complete an online application on their behalf.

All postal vote applications will be processed through a Centralised Postal Vote Count Centre (CPVCC) located in Sydney. Election managers do not process postal vote applications.

Postal vote application forms are available from:

- elections.nsw.gov.au or
- the Elector Enquiry Centre by phoning 1300 135 736.

Postal vote applications must be completed and received no later than 6pm on the Monday prior to election day, Monday, 20 March 2023.

The issuing of postal ballot papers will commence approximately two weeks prior to election day.

Candidates or political parties intending to distribute postal vote applications to electors must use the approved form of the application. You can request a copy by emailing candidates@elections.nsw.gov.au

The approved form contains a placeholder to include electoral material. The content of the approved form of application supplied by the NSW Electoral Commission must not be altered. If you intend to distribute postal vote applications that include your electoral material, we recommend you provide a copy of your artwork for review prior to printing, so that any issues of non-compliance with legislative requirements may be identified by the NSW Electoral Commission.

Political participants must clearly identify if the postal vote application will not be lodged directly with the NSW Electoral Commission and if information disclosed by an applicant in the postal vote application is being collected by the political participant.

A reply-paid envelope provided with the postal vote applications should not be designed to give the appearance that it is being sent directly to the NSW Electoral Commission when, in fact, the envelope is to be sent elsewhere.

It is important that all completed postal vote applications are returned as soon as possible to the NSW Electoral Commission. This will assist in ensuring that applications are processed and ballot papers are distributed to electors in a timely manner.

Registered general postal voters

It should be noted that registered general postal voters are not required to make a separate postal vote application and will automatically receive their ballot papers for all Federal, State and Local Government elections.

Return of postal votes

Postal vote certificates must be signed by the elector and a witness before 6pm on election day.

Completed postal votes must be received by the following dates:

Delivery method	Deadline
Posted or hand delivered to CPVCC or NSW Electoral Commission head office	By 6pm on the 12th day following election day
Hand delivered to a voting centre	By 6pm on election day
Hand delivered to an Election Manager's office	By 6pm on the 12th day following election day

Postal vote scrutiny

Initial scrutiny of postal vote certificates will commence at the CPVCC on Monday, 20 March 2023. Initial scrutiny will include examination of the postal vote certificate and data entry of this information to determine if the accompanying ballot papers are to be accepted for further scrutiny. Scrutineers may be present.

If accepted, election officials will remove the ballot papers and prepare the ballot papers for counting without examining the vote on those ballot papers. The initial count of postal ballot papers will not commence until 6pm on election day.

15.3 Early voting

Early voting will be available 7 days before the election day, commencing on Saturday, 18 March 2023. Not all early voting centres will operate for the entire period. There will be at least one early voting centre appointed in each district. Some early voting centres may be appointed as early voting centres for multiple districts. This will allow the early voting centre to issue ordinary votes for a neighbouring district.

The details of the early voting centres and times of operation will be available at elections.nsw.gov.au

Interstate early voting

Electors who will be interstate on election day may be able to vote at an early voting centre located in capital cities. Venues and opening times will be published at elections.nsw.gov.au

All electors voting at an interstate early voting centres are required to complete and sign an 'Absent' declaration envelope.

15.4 Declared facility voting

The Electoral Commissioner may declare that a hospital, nursing home, retirement village or similar facility is to be an early voting centre for the purpose of electors resident in the facility to vote. Election officials from the Election Manager's office in the district will visit the facility during the five day period prior to election day.

Ordinary voting is available for electors who are enrolled within the electoral district in which the facility is located. Electors enrolled in other electoral districts, or who are casting a provisional vote, will be required to complete a declaration vote and place their ballot papers in a declaration envelope.

Details of the declared facilities can be obtained from the Election Manager in each district. The Election Manager will advise the days and times of visits so that candidates may appoint a scrutineer to be present when voting takes place.

No electoral material can be distributed by scrutineers at any time during this visit. The Election Manager will prepare a folder of registered how-to-vote electoral material containing one item provided by each candidate, Legislative Council group, registered political party or other person or organisation so that electors can view this material when voting. This material will be available for inspection by electors and scrutineers at each declared facility.

15.5 Telephone-assisted voting

At the 2023 NSW State election, telephone voting is available to eligible electors who are blind or have low vision. Telephone voting enables eligible electors to cast an operator-assisted telephone vote.

Eligible electors must firstly call the Telephone Voting application call centre to apply, declaring to a call centre operator who is an election official that they are eligible to cast this type of vote. Electors nominate a PIN and are issued an application number, by email or SMS.

The elector will be transferred to a different election official at a separate telephone voting call centre, or the elector can choose to call back if they wish. The operator will ask the elector for their application number and PIN to identify their district (the call will be transferred to another operator if the elector identifies themselves). The ballot paper is read to the elector, the operator marks the ballot paper, confirms the electors preferences, then places the ballot paper in the ballot box. Another election official will listen to the call and observe the operator complete the voting process, ensuring the elector's vote is correctly recorded on the ballot paper and then placed in the ballot box.

Applications to use telephone voting are open from Monday 20 March until Friday 24 March 2023.

Voting by telephone voting is available from Monday 20 March until Saturday 25 March 2023 to electors who have successfully applied during the application period and been issued with an application number.

15.6 Election day voting

Voting centres will be open on election day from 8am until 6pm. Voting centre locations will be listed at elections.nsw.gov.au as well as projection numbers by centre.

An elector may vote at any voting centre located within New South Wales.

15.7 Declaration voting

Electors who are not in their district, not included on the authorised roll, or who wish to update their enrolment may still be able to cast a vote at early voting or on the election day, if they meet certain criteria. These electors will be required to complete a written declaration on an envelope, their ballot paper will be placed in this envelope before being placed in a ballot box.

The types of declaration votes are:

Declaration vote type	Category
Absent vote	Issued to an elector voting outside their enrolled district.
Enrolment vote/name not on roll	<p>Issued to:</p> <ul style="list-style-type: none"> • a person omitted from the authorised roll • a person enrolling for the first time* • a person updating their enrolment from their old district to their new district* • a person who enrolled after the close of rolls and therefore does not appear on the authorised roll*. <p>*Note: A NSW driver licence or photo card must be provided in order to cast these declaration votes.</p>
Name already marked as voted	Issued to an elector who has already been marked as having voted but claim not to have voted.

All declaration vote envelopes will not be opened or scrutinised by the Election Manager in each district. Declaration vote envelopes are transported following election day to undergo scrutiny at the Centralised Declaration Vote Count Centre (CDVCC) in Sydney, to determine that the elector is eligible to vote and the ballot papers are to be included in the count. Scrutineers may be present.

Section 16: Assistance to vote

16.1 Assistance to electors when voting

Assistance can be provided to electors if they are unable to vote without assistance.

If an election official is satisfied that an elector is unable to vote without assistance, or an elector makes an oral declaration to an election official in the approved form that the elector objects on religious grounds to vote in the manner required, the election official is to permit a person appointed by the elector to assist the elector to vote.

Any elector may seek assistance however the following groups have been identified as most likely to require assistance:

- older people
- people with a disability
- electors under a religious obligation not to mark an electoral paper
- people who are blind or have low vision
- culturally and linguistically diverse electors.

The person assisting the elector must mark a vote on the ballot paper (and complete and sign any declaration) according to the instructions of the elector.

An elector can nominate another person, other than a scrutineer, to assist them. If the elector fails to nominate someone then the election official must provide assistance.

16.2 Assistance completing ballot papers

- Any person assisting may accompany the elector to a voting screen to complete, fold and place the ballot paper in the ballot boxes on the elector's behalf
- If the elector fails to appoint a person, the election official must assist the elector to vote
- If an elector is assisted by an election official, a third person **must** be present when this is taking place. This person must be a scrutineer if there is a scrutineer available. If there is no scrutineer available, this person can be another election official or a person nominated by the elector
- A scrutineer can witness an elector receiving assistance to vote but **cannot** provide the assistance.

16.3 Interpreter assistance

An elector may be accompanied by an interpreter who is entitled to be present at all times if the elector needs such help.

16.4 Equipment available to assist electors

Maxi pens and magnifying sheets

All voting centres will be provided with supplies of maxi pens (extra-large pens for individuals who are unable to grip regular sized pens) and magnifying sheets for electors who have low vision.

Accessible voting screens

Each voting centre will include an accessible voting screen. This is for use by electors who use a wheelchair or if they have mobility issues.

16.5 Electors from culturally and linguistically diverse backgrounds

Wherever possible early voting centres and voting centres will be staffed with employees that have the language skills to service the electors of the community. Each early voting centre will be provided with 'I speak language' stickers to be worn by bilingual election officials. Information to assist electors is available on the NSW Electoral Commission website in 24 different languages.

Translating and interpreting service (TIS)

Early Voting Centre Managers and Voting Centre Managers will have access to the translating and interpreting service to provide assistance to electors with language needs. The translating and interpreting service allows electors to access contracted interpreters speaking more than 160 different languages and dialects.

Section 17: Ballot papers – formality guidelines

17.1 Determination of final formality

The Electoral Commissioner has approved the NSW Electoral Commission computer count system (**PRCC**) to determine the final formality of a ballot paper based on the markings on the ballot papers data entered into the system during the Check Count.

17.2 General formality rules

- Ballot papers are read as a whole. Poorly formed numbers are interpreted in the context of other numbers on the ballot paper:
 - A poorly formed number must bear a reasonable resemblance to an identifiable number.
 - Unconventional but recognisable numbers such as a 'continental' number formats are acceptable.
 - Numbers written in English words are acceptable (i.e., 'one' is counted as '1', 'two' is counted as '2', 'three' is counted as '3', etc).
 - Roman numerals are acceptable (i.e., 'i' is counted as '1', 'ii' is counted as '2', 'iii' is counted as '3', 'iv' is counted as '4', etc). An 'X' is only considered a Roman numeral and counted as 10 when in a sequence of other Roman numerals.
- A number or tick '√' or cross 'X' may be adjacent to but outside a square, or at the end of the candidate's name, if, in the returning officer's opinion (i.e., the Electoral Commissioner), the elector's intention is clearly indicated.
- A ballot paper is not informal by reason only that it has not been initialled by an election official if it bears the prescribed mark.
- A ballot paper is not informal by reason only of it having any unnecessary mark or writing (e.g., drawings or comments) if, in the returning officer's opinion, the elector's intention is clearly indicated, or
- In relation to any ballot paper written by hand, a ballot paper is not informal only because a candidate's surname is included (provided no other candidate with the same surname is on the ballot paper) or because of any mistake in spelling, if the elector's intention is clear.
- A ballot paper is informal if it has a mark or writing that, in the returning officer's opinion, would enable the elector to be identified and that elector's name is found on the roll for the electoral area.

17.3 Formality guidelines – single preference required

These guidelines apply to a ballot paper where only a single preference is required:

- a Legislative Assembly ballot paper
- the ‘above the line’ section of a Legislative Council ballot paper.

A ballot paper, or section of a ballot paper, from the above list is **formal** if:

- it contains only one first preference ‘1’ but no ticks or crosses (it may contain other preferences)
- it contains only one tick ‘✓’ and no other preferences recorded
- it contains only one cross ‘X’ and no other preferences recorded
- it contains only one first preference ‘1’ in a square and a cross ‘X’ (or a line through) in two or more of the other squares and no other preferences
- it contains only one tick ‘✓’ in a square, and a cross ‘X’ (or a line through) in two or more of the other squares and no other preferences.

A ballot paper, or section of a ballot paper, on which the elector has recorded a vote by placing in one square the number ‘1’ is **not informal** by reason only that:

- the elector has recorded the same preference (other than the first preference) on the ballot-paper for more than one candidate – the ballot-paper will be treated as if those preferences, and any subsequent preferences, had not been recorded; or
- there is a break in the order of preferences recorded on the ballot-paper – the ballot-paper will be treated as if any preference after the break had not been recorded.

17.4 Single-preference formality examples

Formal votes	How votes are counted
1	1
✓	1
X	1
✓,x,x	1
1,x,x	1
1,2,3,4,5	1,2,3,4,5
1,2,4,6,8	1,2
1,2,3,3,3,3,4,4	1,2
1,2,2,2	1
1,2,5,6	1,2
1,4,5,6,7	1

Informal votes	How votes are counted
2,3,4,5 1,1,1 1,✓,✓,✓,3,4,5 ✓,2,3,4,5 x,2,3,4,5 1,2,x,x,4,5,6 1,✓,x,x,x,3,4,5 ✓,x ✓,✓,x ✓,✓,x,x 1,x 1,✓	Not applicable – in each instance the ballot paper is informal

17.5 Voting instructions on electoral material

It is an offence to distribute electoral material (for example, how to vote material) instructing electors to mark their ballot paper using ticks or crosses.

Electoral material which contains voting instructions to the elector must clearly indicate the number of preferences required to be marked on the ballot paper, either above the line or below the line as applicable, to cast a formal vote.

Section 18: Legislative Assembly: voting and counting

18.1 Legislative Assembly voting

The method of voting in Legislative Assembly elections is optional preferential. To cast a formal vote, the elector must place the number '1' in the square next to their first choice candidate. They have the 'option' to show further preferences by placing the number '2' in the square next to their second choice candidate, the number '3' next to their third choice candidate and so on. They may number as many or as few squares beyond their first choice candidate as they wish.

18.2 Examples of formal and informal Legislative Assembly ballot papers

The following examples of Legislative Assembly ballot papers illustrate both formal and informal votes.

- Ballot papers numbered 1 to 16 illustrate **formal** votes. An explanation of how each ballot paper is sorted during the first preference count is provided. An explanation of how each ballot paper is sorted during the two-candidates preferred (TCP) count is also provided.
- Ballot papers numbered 17 to 24 illustrate **informal** votes.

Ballot Paper
Legislative Assembly Election
Sunnyvale 1

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

1 FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Fielder (the number 1 appears only once).

TCP COUNT

This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 2

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Fielder (a ✓ on its own is read as a 1).

TCP COUNT

This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 3

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

X FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Fielder (X on its own is read as a 1).

TCP COUNT

This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 4

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

3 FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

1 SIMON John
GREEN PARTY

2 JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Simon (It is not compulsory to number every square).

TCP COUNT

This ballot paper would exhaust after the third preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 5

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY *Donald Duck*

FIRST PREFERENCE COUNT

Formal for Kwon (other marks, writing, drawings and comments should be disregarded).

TCP COUNT

This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 6

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

5 FIELDER Joe
BLUE PARTY

4 COLL Matt
RED PARTY

1 SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY *John Cootes*

2 KWON Lee
ORANGE PARTY *15 March 2018*

FIRST PREFERENCE COUNT

Formal for Simon. The name John Cootes written on the ballot paper was not found on the District electoral roll.

TCP COUNT

This ballot paper would exhaust after the second preference, as the third preference is missing.

If the name was FOUND on the district electoral roll, this ballot paper would be INFORMAL.

Ballot Paper
Legislative Assembly Election
Sunnyvale 7

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

1 FIELDER Joe
BLUE PARTY

2 COLL Matt
RED PARTY

2 SIMON John
GREEN PARTY

3 JONES Jane
YELLOW PARTY

4 KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Fielder (the number 1 appears only once).

TCP COUNT

This ballot paper would exhaust after the first preference as the second preference is duplicated).

Ballot Paper
Legislative Assembly Election
Sunnyvale 8

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

4 FIELDER Joe
BLUE PARTY

1 COLL Matt
RED PARTY

3 SIMON John
GREEN PARTY

2 JONES Jane
YELLOW PARTY

5 KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Coll (numbers are not in squares but are adjacent to them and the voter's intention is clear).

TCP COUNT

All numbers both in and adjacent to the squares are considered when distributing preferences. This ballot paper would not exhaust as full preferences are indicated.

Ballot Paper
Legislative Assembly Election
Sunnyvale 9

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT
Formal for Simon. Roman numerals are read as numbers.

TCP COUNT
This ballot paper would not exhaust as full preferences are indicated.

Ballot Paper
Legislative Assembly Election
Sunnyvale 10

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT
Formal for Kwon (a ✓ is read as a 1 when crosses or lines (more than one) appear in the squares).

TCP COUNT
This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 11

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT
Formal for Coll (a ✓ is read as a 1 when crosses or lines (more than one) appear in the other squares).

TCP COUNT
This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 12

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

1 FIELDER Joe
BLUE PARTY

2 COLL Matt
RED PARTY

4 SIMON John
GREEN PARTY

6 JONES Jane
YELLOW PARTY

3 KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT
Formal for Fielder (the number 1 is not in the square but is adjacent to the square and the voter's intention is clear).

TCP COUNT
All numbers both in and adjacent to the squares are considered (unless they are crossed out) when distributing preferences. This ballot paper would exhaust after the fourth preference as the fifth preference is missing.

Ballot Paper
Legislative Assembly Election
Sunnyvale 13

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

X SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Simon (X is not in square but is adjacent to the square and the voter's intention is clear).

TCP COUNT

This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 14

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

1 FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Fielder (the number 1 is not in the square but is adjacent to the square and the voter's intention is clear).

TCP COUNT

This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 15

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe ✓
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Fielder (✓ is not in the square but the voter's intention is clear).

TCP COUNT

This ballot paper would exhaust after the first preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 16

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

one COLL Matt
RED PARTY

two SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

FIRST PREFERENCE COUNT

Formal for Coll (numbers written in words in English are read as numerals).

TCP COUNT

This ballot paper would exhaust after the second preference.

Ballot Paper
Legislative Assembly Election
Sunnyvale 17

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

INFORMAL

1 is not formal where there is a single X (or single ✓) in another square.

Ballot Paper
Legislative Assembly Election
Sunnyvale 18

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

INFORMAL

X is not read as a 1 when there are other numbers present.

Ballot Paper
Legislative Assembly Election
Sunnyvale 19

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

INFORMAL

✓ is not read as a 1 when there are other numbers present.

Ballot Paper
Legislative Assembly Election
Sunnyvale 20

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

INFORMAL

✓ is not read as a 1 when there is a single cross or single line in another square.

Ballot Paper
Legislative Assembly Election
Sunnyvale 21

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

1 COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

1 KWON Lee
ORANGE PARTY

INFORMAL
Two number 1's on the ballot paper.

Ballot Paper
Legislative Assembly Election
Sunnyvale 22

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

3 COLL Matt
RED PARTY

SIMON John
GREEN PARTY

2 JONES Jane
YELLOW PARTY

4 KWON Lee
ORANGE PARTY

INFORMAL
No number 1 on the ballot paper.

Ballot Paper
Legislative Assembly Election
Sunnyvale 23

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

KWON Lee
ORANGE PARTY

INFORMAL
The elector has placed the ballot paper in the ballot box without marking it.

Ballot Paper
Legislative Assembly Election
Sunnyvale 24

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

CANDIDATES

FIELDER Joe
BLUE PARTY

1 COLL Matt
RED PARTY

2 SIMON John
GREEN PARTY

3 JONES Jane
YELLOW PARTY

4 KWON Lee
ORANGE PARTY

INFORMAL
Voter's intention is not clear. You cannot tell which square the number 1 is adjacent to.

18.3 Legislative Assembly counts overview

Legislative Assembly ballot papers undergo the following counts:

Initial Count

An Initial Count is conducted for each venue/vote type. Ballot papers are examined for formality and sorted to the first preference for each candidate or to the Informals/Queries pile, i.e. ballot papers where there is no first preference recorded or that cannot be sorted to a candidate as they appear to be informal.

The Initial Count is a manual count following simplified guidelines whereby a ballot paper is sorted as formal if:

- It has a single '1', or a single 'tick', or a single 'cross', and no other preferences; or
- It has two or more preferences, each preference is a number, and there is only a single '1'

This simplified process may result in some formal ballot papers being temporarily sorted to the Informals/Queries pile. These ballot papers later will be sorted to the correct pile when the Informals/Queries pile is reviewed by the supervisor.

The Initial Count is an indicative count only.

Two Candidates Preferred Count

Before election day, the Electoral Commissioner selects two candidates in each electoral district who are considered most likely to be the two remaining candidates after the Distribution of Preferences for that district. These are known as the 'TCP candidates'.

The TCP count is conducted immediately after the Initial Count by distributing each of the non-TCP candidates' ballot papers to the TCP candidate with the next highest preference on each ballot paper. When a ballot paper does not contain a valid preference for either of the TCP candidates, the ballot paper is considered exhausted for the purpose of this count.

The TCP Count is not the official distribution of preferences. It provides an indication of the likely election outcome only.

The following table illustrates various scenarios that may apply to a district's TCP results:

Scenario	Reporting
TCP candidates selected correctly	<ul style="list-style-type: none"> • TCP results will be published from election night onwards • Updated TCP results will be published during the check count in the week(s) following election day.
TCP candidates either not selected or selected incorrectly	<ul style="list-style-type: none"> • TCP results may not be published on election night • TCP results may be published during the check count in the week(s) following election day subject to selection of two new candidates. In some circumstances, it may be impossible to clearly identify the two TCP candidates due to the closeness of the result.

The TCP count is conducted as:

- one count per voting centre
- one count per early voting centre
- one count for all declared facilities together
- one count for each of the three postal progressive counts.

TCP counts will not be conducted during the initial count of declaration vote ballot papers, i.e., Absent, Enrolment and Name Already Marked as Voted (NAMAV) vote types. However, as the Check Count is completed for a venue/vote type (see below), TCP results will be available for all vote types.

Check Count

The Check Count consists of a combination of a manual process (batching) and a data entry process:

- **Batching:** sorting the ballot papers for each candidate into single preference (i.e., a single '1', a single 'tick', or a single 'cross' and no other preferences) and multi preference. The informal ballot papers are sorted into Blanks and Non-Blanks.
- **Registration:** entering the check count results into the NSWEC Computer Count System (PRCC).
- **Data Entry:** entering all preferences on all multi preference ballot papers into PRCC. The single preference ballot papers for each candidate and the blanks are registered as a bulk figure (the step above) and do not undergo data entry.

The Check Count is the official count that is used in the Distribution of Preferences within PRCC to determine the elected candidate(s).

Distribution of preferences

The Distribution of Preferences to determine the elected candidate is conducted by the Election Manager for the electoral district after the Check Count is completed. The Distribution of Preferences is conducted within PRCC in an automated manner, using all the preferences and single preference totals entered during the Check Count.

18.4 Legislative Assembly counts timeline

The following table is a guide to the timing and locations of the Legislative Assembly counts. Please **note** this timetable is subject to change and you must refer to the NSW Electoral Commission's website for up-to-date information.

Note: Reference to Week 1 is the first week after election day, Week 2 the second week and so on.

Vote type	Initial Count/TCP	Check Count
Voting centre ordinary	Voting Centre Commences: 6pm election night Completes: 10.30pm election night	Election Manager's Office Commences: Monday Week 1 Completes: Wednesday Week 2
Early voting centre ordinary	Election Manager's Office Commences: 6pm election night Completes: Tuesday Week 1	Election Manager's Office Commences: Monday Week 1 Completes: Wednesday Week 2

Vote type	Initial Count/TCP	Check Count
Declared facility	Election Manager’s Office Commences: Monday Week 1 Completes: Tuesday Week 1	Election Manager’s Office Commences: Wednesday Week 1 Completes: Wednesday Week 2
Postal	Centralised Postal Vote Count Centre Commences: 6pm election night Completes: Saturday Week 2	Centralised Postal Vote Count Centre Commences: Monday Week 1 Completes: Monday Week 3
Declaration (Absent, Enrolment, NAMAV)	Centralised Declaration Vote Count Centre Commences: Thursday Week 1 Completes: Saturday Week 2	Centralised Declaration Vote Count Centre Commences: Friday Week 1 Completes: Monday Week 3

The Distribution of Preferences will be conducted by the Election Manager following the completion of counting in Week 3. The exact date and time will be determined closer to the date.

18.5 Two-candidates preferred analytics tool

The TCP analytics tool allows the public to see preference flows for any combination of TCP candidates for a given Legislative Assembly district using the final check count data. The results of each TCP count are shown by the tool to the following level of detail:

- each voting centre
- each early voting centre
- all declared facilities
- each declaration vote type.

The TCP preferred analytics tool will be published on the NSW Electoral Commission website approximately three weeks after election day.

18.6 Legislative Assembly distribution of preferences

The distribution of preferences will take place in the Election Manager’s office following the completion of the check count and data entry.

The Distribution of Preferences will be conducted using PRCC, which determines:

- Formality, based on the markings on the ballot papers data entered into the system
- The absolute majority
- Which candidate is to be excluded (the lowest polling candidate in the count) and the distribution of their votes to the remaining candidates in the count.

The Distribution of Preferences usually takes only a few minutes to complete. Candidates, scrutineers, media and other interested parties are entitled to be present to witness the process in the Election Manager’s offices.

A candidate may be elected without the need for a distribution of preferences if they receive an absolute majority, i.e., 50% + 1 of formal first preference votes. However, a Distribution of Preferences will still be conducted, for statistical purposes.

18.7 Legislative Assembly distribution of preferences example

The Distribution of Preferences is in accordance with the optional preferential system described in the Seventh Schedule to the Constitution Act.

To be elected in the optional preferential system, a candidate has to receive 50% + 1 of the formal votes in the count. This is called an 'absolute majority'.

If there are 8,756 formal first preference votes in an election the absolute majority is calculated as: $8,756 \div 2 = 4,378 + 1 = 4,379$.

If a candidate has an absolute majority, that candidate is elected.

If no candidate is elected, the candidate with the least number of votes is 'excluded', which means the excluded candidate's votes are re-sorted to the other candidates remaining in the count, according to the second preference shown on each ballot paper.

However, if any of those ballot papers do not have a second preference, or have two or more second preferences on them, those ballot papers are known as 'exhausted' ballot papers and are removed from the count. They are then only used to balance the number of votes at the end of each exclusion, to the number of first preference votes.

The absolute majority is recalculated after every candidate is excluded. The absolute majority reduces after each exclusion due to the exhausted ballot papers not continuing in the count.

The process of exclusions continues until a candidate is elected. The ballot papers of excluded candidates are re-sorted to the second, third, fourth, etc., preferences as applicable, until such time as a candidate has an absolute majority of the votes remaining in the count and that candidate is elected.

For statistical purposes, the Distribution of Preferences will be conducted until only two candidates remain in the count.

The process is explained in the following example:

Candidates	First preference votes	Candidate D excluded	Progressive totals	Candidate C excluded	Progressive totals
Candidate A	3,024	250	3,274	822	4,096
Candidate B	2,552	441	2,993	1,189	4,182 Elected
Candidate C	2,290	87	2,377		Excluded
Candidate D	890				Excluded
Total formal votes	8,756	778	8,644	2,011	8,278
Informals	278		278		278
Exhausted		112	112	366	478
Total votes	9,034	890	9,034	2,377	9,034
Absolute majority	4,379		4,323		4,140

18.8 Legislative Assembly results on the virtual tally room

As the initial first preference and two-candidate preferred Legislative Assembly counts are conducted from 6pm election night onwards, the results will be displayed on the NSW Electoral Commission Virtual Tally Room (VTR) at elections.nsw.gov.au for the information of candidates, registered political parties, the public and the media.

Check count first preference figures will be displayed progressively on the VTR during the weeks after election day. The check counts are the final official count used in the distribution of preferences to determine the elected candidate(s).

18.9 Reporting of final results

Following the completion of the check count and data entry of Legislative Assembly ballot papers for a district, and the conduct of the distribution of preferences in the NSW Electoral Commission computer count system, the NSW Electoral Commission website will display the following final result reports for the district:

- Legislative Assembly first preference results
- Legislative Assembly two-candidate preferred results
- Legislative Assembly distribution of preferences results
- Legislative Assembly Preference file.

18.10 Recounts

At any time before the declaration of an election result, the Electoral Commissioner may re-count the ballot papers:

- If the Commissioner thinks fit, on the request of any candidate in the election, or
- On the Commissioner's own motion.

Any request for a recount must set out the reasons for the request and be made by the candidate before the Commissioner declares the result of an election. The NSW Electoral Commission will publish the expected date and time at which each election result will be declared.

More information about the Commission's policy in relation to recounts is available on the State election event webpage.

18.11 Declaration of election result

Following the completion of the Distribution of Preferences, the Electoral Commissioner will declare the result of the election.

18.12 Return of the writs

The Electoral Commissioner will endorse the name of the successful candidate on the writ for each electoral district and will return the writs to the Governor of New South Wales.

18.13 Disputing an election

Candidates may challenge the results of an election by filing a petition with the Prothonotary of the Supreme Court, as the Court of Disputed Returns, within 40 days of the return of the writ.

Candidates should seek their own legal advice should they wish to pursue this course of action.

Section 19: Legislative Council: voting and counting

19.1 Legislative Council voting

To cast a formal vote an elector may choose to vote either 'above the line' or 'below the line' on the Legislative Council ballot paper.

Voting above the line

If an elector chooses to vote above the line, they must place the number '1' in the group voting square for the group of their choice.

The elector may show further preferences by placing the number '2' in the group voting square next to their second choice, the number '3' in the group voting square next to their third choice and so on.

In the example Legislative Council ballot paper at Figure 1, assume Groups A, B, C and E each have 15 candidates in their group. The elector has voted above the line. The numbers below the line illustrate how this ballot paper would be counted.

Above the line vote	Counted
1 for Group A 'Labor'	Ballot paper is counted 1 to 15 in ballot paper order for the 15 candidates in Group A
2 for Group E 'The Greens'	Ballot paper is counted 16 to 30 in ballot paper order for the 15 candidates in Group E
3 for Group B	Ballot paper is counted 31 to 45 in ballot paper order for the 15 candidates in Group B

Figure 1

VOTING ABOVE THE LINE

You may vote in one of two ways:

either →

EXAMPLE OF LEGISLATIVE COUNCIL BALLOT PAPER

GROUP A: 1 LABOR
 GROUP B: 3
 GROUP C: LIBERAL/NATIONALS
 GROUP E: 2 THE GREENS

or →

GROUP A LABOR: 1 BLOGGGS, 2 PIPPINS, 3 MEDUNE, 4 BLUNT
 GROUP B: 31 SMITH, 32 MORRISSEY, 33 ROTH, 34 GREY
 GROUP C LIBERAL/NATIONALS: CITIZEN, SMITH, CIVIC, PETERSON
 GROUP D: WONG, FINCH
 GROUP E THE GREENS: 16 GREEN, 17 GREENER, 18 SMOOTH, 19 EAST
 OTHER: WHITE, BRIGHT, BRUSTON

Annotations: "ELECTOR HAS VOTED ABOVE THE LINE" (pointing to '2' in Group E), "THESE NUMBERS ILLUSTRATE HOW THE BALLOT PAPER WOULD BE COUNTED" (pointing to 15, 30, 45).

Note: In this example assume Groups A, B, C and E have 15 candidates in their group.

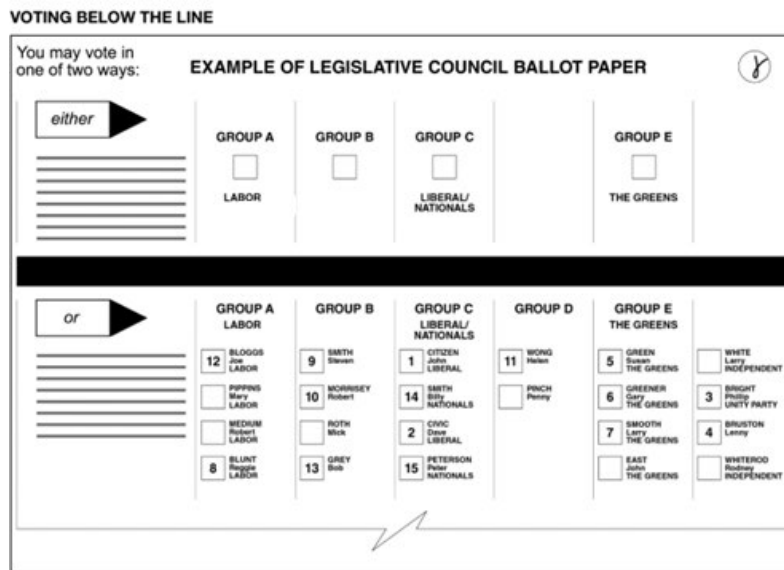
Voting below the line

If an elector chooses to vote below the line, they must vote for at least 15 candidates by placing the numbers ‘1’ to ‘15’ in the squares next to the candidates in the order of their choice.

The elector may show further preferences, starting with the number ‘16’ and so on.

When voting below the line, the elector is not required to vote for all candidates in a group before voting for candidates in another group as shown in Figure 2.

Figure 2



Note: In this example assume Groups A, B, C and E have 15 candidates in their group.

Ballot papers marked above and below the line

If a ballot paper is marked both above the line and below the line, and both sections are formal, the below the line section takes precedence. If one section (above or below the line) is formal and the other informal, the formal section takes precedence.

Under no circumstances should an elector be instructed to vote both above and below the line on their ballot paper.

19.2 Legislative Council counts

Legislative Council ballot papers will undergo the following counts:

Initial Count

The Initial Count is a manual count. Ballot papers are examined for formality and sorted to the following categories:

- **Above The Line** – Ballot papers are sorted to piles according to the first preference above the line for each group that has a group voting square
- **Blanks** – Blank ballot papers are sorted to one ‘Blanks’ pile
- **Others (including Informals)** – All other ballot papers that do not belong to the above categories.

The Initial Count is conducted in two stages, Sort 1 and Sort 2:

Sort 1

Sorting card used	Sort 1 rule
Pink card Above The Line: The Greens	An above the line ballot paper where the first preference is for The Greens
Pink card Above The Line: Labor	An above the line ballot paper where the first preference is for Labor
Pink card Above The Line: Liberal/The Nationals	An above the line ballot paper where the first preference is for Liberal/The Nationals
Red card Above The Line: Other Groups (ballot papers in this pile will be re-sorted in Sort 2)	An above the line ballot paper where the first preference is for a group other than the groups above.
Black card Blanks	There are no numbers, no ticks, no crosses or other markings on the ballot paper. To be considered blank, a ballot paper must be unmarked, with the exception of the election official's initials. Note: Blank ballot papers are <u>not</u> unused ballot papers. Blank ballot papers are those issued to electors who have chosen not to mark their ballot paper before placing it in the ballot box.
Yellow card Others (including Informals)	All ballot papers that do not belong to the above categories. This pile includes ballot papers: <ul style="list-style-type: none"> • Marked below the line only • Marked both above and below the line • The election officials are uncertain how to sort at the Initial Count • That are obviously informal.

Sort 2

Sorting card used	Sort 2 rule
Pink card Above The Line for every group other than The Greens, Labor and Liberal/The Nationals	Ballot papers in the 'Above The Line: Other Groups' pile are re-sorted into piles for each group that has the first preference.

Check Count

The Check Count consists of a combination of a manual process (batching) and a data entry process:

- **Batching:** sorting the ballot papers for each group (i.e., a single '1', a single 'tick', or a single 'cross' and no other preferences above the line) and multi preference.
- **Registration:** entering the check count results into the NSW Electoral Commission's Computer Count System
- **Data Entry:** entering all preferences on ballot papers with more than one preference either above or below the line into the Computer Count System. The single preference ballot papers for each group and the blanks are registered as a bulk figure (the step above) and do not undergo data entry.

The Check Count is the official count that is used in the Distribution of Preferences within the Computer Count System to determine the elected candidates.

Distribution of preferences

The Distribution of Preferences to determine the elected candidates is conducted by the Electoral Commissioner after the Check Count is completed. The Distribution of Preferences is conducted using the Computer Count System in an automated manner, using all the preferences and single preference totals entered during the Check Count.

19.3 Legislative Council counts timeline

The following table is a guide to the timing and locations of the Legislative Council counts. Please **note** this timetable may be subject to change and you must refer to the NSW Electoral Commission's website for up-to-date information.

Note: Reference to Week 1 is the first week after election day, Week 2 the second week and so on.

Vote type	Initial Count/TCP	Check Count
Voting centre ordinary	Voting Centre Commences: 6pm election night Completes: 10.30pm election night	Legislative Council Count Centre Commences: Monday Week 1 Completes: Saturday Week 3
Voting centre ordinary not completed on the election night	Election Manager's Office Commences: Monday Week 1 Complete: Monday Week 1	Legislative Council Count Centre Commences: Monday Week 2 Completes: Saturday Week 3
Early voting centre ordinary	Election Manager's Office Commences: 6pm election night Completes: Tuesday Week 1	Legislative Council Count Centre Commences: Monday Week 1 Completes: Saturday Week 3
Declared facility	Election Manager's Office Commences: Monday Week 1 Completes: Tuesday Week 1	Legislative Council Count Centre Commences: Monday Week 2 Completes: Saturday Week 3

Vote type	Initial Count/TCP	Check Count
Postal	Centralised Postal Vote Count Centre Commences: 6pm election night Completes: Saturday Week 2	Centralised Postal Vote Count Centre Commences: Tuesday Week 1 Completes: Saturday Week 3
Declaration (Absent, Enrolment, NAMAV)	Centralised Declaration Vote Count Centre Commences: Thursday Week 1 Completes: Thursday Week 3	Centralised Declaration Vote Count Centre Commences: Friday Week 1 Completes: Saturday Week 3

The Distribution of Preferences will be conducted by the Electoral Commissioner following the completion of counting in Week 4. The exact date and time will be determined closer to the date.

19.4 Legislative Council Distribution of Preferences

The Distribution of Preferences will take place at the NSW Electoral Commission head office in Sydney following the completion of check count and data entry.

The Distribution of Preferences will be conducted using PRCC. It will take approximately one hour to complete. Candidates, scrutineers, media and other interested parties may be present to witness the distribution of preferences.

19.5 Legislative Council Distribution of Preferences example

The Distribution of Preferences is in accordance with the proportional representation system described in the Sixth Schedule to the Constitution Act.

A candidate is elected if they receive votes equal to or exceeding the quota. However, candidates can also be elected without receiving a quota if the remaining number of candidates in the count equals the number of vacant positions still available.

The quota is determined by dividing the aggregate number of formal first preferences by one more than the number of candidates to be elected. The quotient (disregarding the fraction) is increased by 1 to give the quota.

$$\frac{\text{Number of formal votes}}{22 \text{ (being 21 vacancies + 1)}} + 1$$

For example, there are 21 members to be elected to the Legislative Council at the 2023 NSW State election. At the March 2019 NSW State election, there were 4,451,146 formal ballot papers. The calculation was $4,451,146 \div 22 = 202,324.818$. The fraction is disregarded before 1 is added, therefore the quota equalled 202,325.

After the count of first preferences is complete, each candidate who has reached quota is elected.

Where an elected candidate has a surplus of ballot papers over the quota, this surplus is transferred to the continuing candidates (i.e., those not yet elected or excluded). If multiple candidates are elected, each candidate's surplus is transferred (one at a time) to the continuing candidates, from the highest surplus to the lowest.

After each transfer of ballot papers, if any more candidates have reached quota, they are elected and added to the queue of surpluses to be transferred. This transfer of surpluses continues (one at a time) until all have been transferred.

If vacancies remain, the candidate with the lowest number of votes is excluded. All the ballot papers received by this candidate, including those received from surplus transfers, are sorted to the continuing candidates according to the next preference on the ballot papers.

This process continues with candidates being:

- elected when their votes equal or exceed quota, with their surplus distributed as above; or
- excluded, with their ballot papers distributed as above;

until either:

- no vacancies remain to be filled;
- the number of remaining candidates equals the number of remaining vacancies; or
- all remaining vacancies can be filled by candidates whose total votes cannot be overtaken by the remaining candidates in the count.

In these circumstances, the elected candidates are elected despite not reaching the quota.

19.6 Legislative Council results on the NSW Electoral Commission website

As the initial first preference count is conducted from 6pm election night, the results will be displayed on the NSW Electoral Commission virtual tally room elections.nsw.gov.au for the information of candidates, registered political parties, the public and the media.

Initial first preference count results will be updated on the virtual tally room as the initial counts progress for early voting, declared facilities, postal and declaration votes in the weeks after election day.

Check count first preference figures will be displayed on the Virtual Tally Room from approximately the Wednesday following election day onwards.

As the check count and data entry progresses over the three week period of counting, a Legislative Council state summary report will be updated daily on the Virtual Tally Room.

19.7 Reporting of final results

Following the completion of the check count and data entry of Legislative Council ballot papers and the conduct of the Distribution of Preferences using PRCC, the NSW Electoral Commission website will display the following official result reports:

- Count of first preference results; and
- Distribution of Preferences results.

19.8 Recount

At any time before the declaration of an election result, the Electoral Commissioner may re-count the ballot papers:

- If the Commissioner thinks fit, on the request of any candidate in the election, or
- On the Commissioner's own motion.

Any request for a recount must set out the reasons for the request and be made by the candidate before the Commissioner declares the result of an election. The NSW Electoral Commission will publish the expected date and time at which each election result will be declared.

More information about the Commission's policy in relation to recounts is available on the State election event webpage.

19.9 Declaration of election result

Following the completion of the Distribution of Preferences, the Electoral Commissioner will declare the result of the election.

19.10 Return of the writ

The Electoral Commissioner will endorse the name of the successful candidates on the writ and will return the writ to the Governor of New South Wales.

19.11 Disputing an election

Candidates may challenge the results of an election by filing a petition with the Prothonotary of the Supreme Court, as the Court of Disputed Returns, within 40 days of the return of the writ.

Candidates are advised to seek their own legal advice should they wish to pursue this course of action.

Section 20: Scrutineers

20.1 Role of a scrutineer

Scrutineers play an important role in the election process.

They represent the interests of candidates and registered political parties and advise them on the procedures being followed by the NSW Electoral Commission head office, the Election Manager and election officials. Their role is to satisfy the candidates that the election process is carried out fairly, impartially and with integrity.

A scrutineer's presence provides an additional level of assurance to political participants and the public regarding the integrity of the election process.

20.2 Rights of a scrutineer

Scrutineers have the right to observe all stages of voting, scrutiny of declaration envelopes and counting. They can question the formality of ballot papers, or raise other concerns they may have about the conduct of the election either with the Voting Centre Manager, Election Manager or NSW Electoral Commission head office, as appropriate.

20.3 Who appoints scrutineers

Scrutineers may be appointed by:

- a registered political party;
- each Legislative Assembly candidate for the district;
- each Legislative Council group, noting that only the candidate listed first in the group on the Legislative Council ballot paper can appoint scrutineers on behalf of the group; or
- each Legislative Council ungrouped candidate.

20.4 Who can and cannot be appointed a scrutineer

To be appointed as a scrutineer, a person must be on the NSW electoral roll and be at least 18 years old. The **Scrutineer appointment form SE.213** details who can be appointed as a scrutineer.

20.5 Scrutineer appointment

The **Scrutineer appointment form SE.213** is available from:

- the NSW Electoral Commission website: elections.nsw.gov.au;
- the NSW Electoral Commission candidate helpdesk, telephone 1300 022 011;
- the Election Manager; or
- the Voting Centre Manager on election day.

The **Scrutineer appointment form SE.213** must be:

- signed by the person appointing the scrutineer (a signature stamp is acceptable);
- signed by the scrutineer in the presence of the Voting Centre Manager, Election Manager, or other election official, at the location where they intend to act as a scrutineer; and
- signed by the scrutineer on each subsequent day that they are in attendance.

20.6 What scrutineers can do

Scrutineers can:

- inspect ballot boxes before the commencement of voting;
- be present when an elector who requires assistance has their ballot papers marked by an election official;
- witness the opening/closing of a voting centre or early voting centre;
- observe the scrutiny of postal vote certificates and other declaration vote envelopes at the centralised count centre(s);
- observe the opening and extraction of ballot papers from postal vote envelopes, and other declaration vote envelopes, at the centralised count centre(s)
- observe all ballot paper counting, both manual and data entry (as applicable), in a voting centre, the Election Manager's office or the centralised count centre(s), but not in such a manner as to cause unnecessary delays;
- object to the formality of a ballot paper;
- countersign forms as required by election officials;

- enter and leave the voting centre, early voting centre, declared facility, Election Manager's office, or centralised count centre(s) at any time and be replaced by another properly appointed scrutineer.

20.7 What scrutineers cannot do

Scrutineers **cannot**:

- interfere with, or attempt to influence, any elector within a voting centre, early voting centre or declared facility;
- either directly or indirectly, divulge or communicate any information with respect to the vote of an elector acquired in the performance of their duties or functions in a manner that is likely to enable the identification of an elector;
- distribute electoral material when accompanying election officials on declared facility visits;
- obstruct the access or approaches to a voting centre, early voting centre or declared facility;
- ignore lawful directions of the Election Manager, election official or NSW Electoral Commission head office staff;
- communicate with any person in a voting centre, early voting centre, declared facility or centralised count centre(s), except as is necessary in the discharge of their duties;
- assist an elector to vote or mark an electoral paper on behalf of an elector;
- handle or touch ballot papers or declaration envelopes.

20.8 Use of mobile phones or other electronic equipment

Scrutineers cannot use mobile phones or other electronic equipment to film or record processes inside a voting centre, early voting centre, declared facility, Election Manager's office or centralised count centre(s).

Scrutineers may use mobile phones inside one of these locations to talk to, or text, another person, as long as the noise level does not interfere with the electoral process being undertaken.

20.9 Attendance of scrutineers

Only one scrutineer for each candidate or registered party is entitled under the Electoral Act to be present in a voting centre or ballot counting place at any one time. However, the Electoral Commissioner may permit additional scrutineers.

For the 2023 NSW State election, the following arrangements are proposed for the number of scrutineers who may attend at the following locations and observe the following tasks:

Location	Task	Number of scrutineers
Election Manager's office	LA first preference count	*One per candidate per counting point
	LA two-candidate preferred count	
	LC first preference sort	
	LA data entry process	
Early voting centres	Issuing early votes	One per candidate

Location	Task	Number of scrutineers
Declared facility	Issuing declared facility votes	One per candidate
Voting centres	Issuing ordinary votes between 8am – 6pm	One per candidate
	Issuing declaration votes between 8am – 6pm	
	Observe counting of votes after 6pm	*One per candidate per counting point
Centralised counting centre(s)	Scrutiny of declaration envelopes, including postal vote certificates	*One per candidate per scrutiny point
	Ballot paper (LA & LC) initial counts and LC data entry process	*One per candidate per counting point

*A counting point, or scrutiny point, might include one or two election officials.

Section 21: Party and/or candidate workers

21.1 Role of a party or candidate worker

Party workers or candidate workers act on behalf of candidates and/or registered political parties (RPPs) to distribute electoral material, generally at early voting locations before election day and at voting centres on election day.

They are not required to complete any appointment form to engage in these tasks. However, if a party worker/candidate worker also intends to act as a scrutineer, they must be appointed in writing, before undertaking their duties as a scrutineer, using the **Scrutineer appointment form SE.213**.

Candidates and registered political parties should refer to the section [Electoral Material](#) which contains detailed information on the activities of party workers/candidate workers including the:

- display of posters;
- distribution of electoral material;
- 6-metre rule for early voting centres;
- 6-metre rule for voting centres;
- use of loudspeakers and sound systems;
- complaint handling;
- other relevant matters.

Section 22: Public funding of election campaigns

Parties registered for State elections and candidates may be eligible to be reimbursed for certain electoral expenditure incurred in connection with the 2023 NSW State election.

Parties and candidates at the 2023 NSW State election should understand the entitlements they may have to claim a reimbursement of electoral expenditure incurred as set out in the Electoral Funding Act and the Electoral Funding Regulation.

This section provides an overview of the public funding of election campaigns of parties and candidates.

Details of the claims made and the amounts paid to eligible parties and candidates are published in the NSW Electoral Commission's annual report and on its website.

For further information go to the [NSW Electoral Commission website](#) or [contact us](#).

22.1 What is the Election Campaigns Fund?

The Election Campaigns Fund is the fund kept by the NSW Electoral Commission to reimburse eligible parties and candidates for electoral expenditure incurred in connection with a State general election, and eligible candidates for electoral expenditure incurred in connection with a State by-election.

In relation to the public funding of election campaigns for the 2023 NSW State election, 'electoral expenditure' means electoral expenditure incurred between 1 July 2022 and 25 March 2023 that is within the party or candidate's applicable expenditure cap.

Payments are made by the NSW Electoral Commission from the fund into the State campaign account of a party or the campaign account of a candidate.

22.2 What are the eligibility criteria for a party?

A party is eligible for payments from the Election Campaigns Fund in respect of the 2023 NSW State election if:

- it is a registered political party on election day,
- it endorses nominated candidates for the election and the NSW Electoral Commission is satisfied that the candidates claim to be endorsed by the party, and
- it satisfies at least one of the following criteria:
 - in the case of the Legislative Assembly election, the total number of first preference votes received by all the candidates endorsed by a party is at least four per cent of the total number of first preference votes in all electoral districts in which the candidates were nominated for election, or
 - in the case of the Legislative Council election, the total number of first preference votes received by all the candidates endorsed by a party (and by all other candidates included in the same group) is at least four per cent of the total number of first preference votes in that election, or
 - at least one of the candidates endorsed by a party is elected at the election.

22.3 What are the eligibility criteria for a candidate?

A nominated candidate, who is not a member of a party, or whose party is not an eligible party, is eligible for payments from the Election Campaigns Fund if:

- the candidate is registered in the register of candidates for the election on the election day; and
- in the case of a candidate for the Legislative Council election, the candidate was not included in a group, or was included in a group where none of the members were endorsed by a party, and
- the candidate satisfies at least one of the following criteria:
 - in the case of the Legislative Assembly election, the candidate is elected or the total number of first preference votes received by the candidate is at least four per cent of the total number of first preference votes in the electoral district in which the candidate was duly nominated for election, or
 - in the case of the Legislative Council election, the candidate is elected or the total number of first preference votes received by the candidate (and, if included in a group, by all other candidates included in the same group) is at least four per cent of the total number of first preference votes in the election.

22.4 What is the amount of public funding available to an eligible party?

The amount payable from the Election Campaigns Fund to an eligible party or candidate is the lesser of the following:

- for an eligible party, certain amounts ('dollar per vote') for each first preference vote received by the endorsed candidates of the party, or for an eligible candidate, a certain amount ('dollar per vote') for each first preference vote received by the candidate, or
- the total amount of the actual campaign expenditure incurred by the eligible party and its endorsed candidates or incurred by the eligible candidate.

The 'dollar per vote' amounts for the 2023 NSW State election are:

Category A (party): an eligible party that has at least one Legislative Assembly candidate elected, or the party's endorsed candidates in the Legislative Assembly received, in total, at least four per cent of the total first preference votes in the electoral districts for which the candidates were nominated; or

Category B (party): an eligible party that does not satisfy Category 'A' but that has 10 or more endorsed candidates in the Legislative Assembly election.

Four-year period to 2023 State election	Criteria for Category A and B
\$4.66	per first preference vote received by the endorsed candidates of the party in the Legislative Assembly, plus
\$3.50	per first preference vote received by the endorsed candidates of the party in the Legislative Council

Category C (party): an eligible party that does not satisfy category 'A' or 'B' that has less than 10 (including zero) endorsed candidates in the Legislative Assembly election

Four-year period to 2023 State election	Criteria for category C
\$5.25	per first preference vote received by the endorsed candidates of the party in the Legislative Council

Eligible candidates

Four-year period to 2023 State election	Criteria for Eligible candidates
\$4.66	per first preference vote received by a candidate for a Legislative Assembly election
\$5.25	per first preference vote received by a candidate for a Legislative Council election

22.5 Advance payments to eligible parties

A registered party is eligible for advance payment from the Election Campaigns Fund for electoral expenditure incurred in connection with the election if it was eligible to receive a payment from the Election Campaigns Fund at the 2019 NSW State election.

A party may receive the following amounts payable as an advance payment:

- 50 per cent of the total amount to which the party was entitled for the 2019 NSW State election. This may be paid as a lump sum or by instalments, from 1 October 2022 and before the issue of the writs for the election, which is expected to be on 6 March 2023.
- a further 25% of the total amount to which the party was entitled for the 2019 NSW State election. This may be paid after the issue of the writs for the election.

The advance payment will be deducted from the amount payable to the party from the Election Campaigns Fund for the 2023 NSW State election.

If a party receives an advance payment greater than the amount (if any) to which it becomes entitled from the election campaigns fund after the election, it must repay the excess to the NSW Electoral Commission within 60 days after the day for the return of the writs for the election.

Any advance payment in respect of the election must be repaid, to the NSW Electoral Commission, on demand if:

- the party does not contest the election, or
- the party ceases to operate or be registered before election day; or
- the party is or has been wound up or dissolved before election day.

22.6 Making a claim for payment

To receive a payment from the Election Campaign Fund, an eligible party or candidate must make a claim to the NSW Electoral Commission.

The NSW Electoral Commission writes to all eligible parties and candidates to inform them how and when to make a claim for payment.

22.7 Preliminary payments to eligible parties

After the election, if a party makes a claim from the Election Campaigns Fund and the NSW Electoral Commission is unable to finalise the claim within 14 days, the NSW Electoral Commission is required to make a preliminary payment within that period.

The preliminary payment will be 90 per cent of the total amount estimated by the NSW Electoral Commission to be payable to the party, less any advance payments made for the election.

In making an estimate, the NSW Electoral Commission may rely on information contained in the claim lodged by the party.

If a party receives a preliminary payment in excess of the amount (if any) to which it becomes entitled, it must repay the excess to the NSW Electoral Commission within 60 days from the NSW Electoral Commission notifying the party.

22.8 Final payments to candidates and parties

If an eligible party or candidate makes a claim from the Election Campaigns Fund the claim will be audited by the NSW Electoral Commission and a determination will be made as to the amount payable to the party or candidate, taking into account any advance or preliminary payments made to the party.

Section 23: Allegations and offences

All parties, candidates, their helpers and scrutineers, must comply with the Electoral Act and the Electoral Funding Act. Potential breaches are dealt with in accordance with the NSW Electoral Commission's [Compliance and enforcement policy](#) and [Procedures](#).

23.1 Electoral offences

The NSW Electoral Commission is responsible for investigating and enforcing electoral offences at NSW State elections.

If you consider a breach of electoral laws has occurred or is taking place you may:

1. in the first instance, refer the breach to the Election Manager for the electoral district. The Election Manager can assess the allegation and endeavour to arrange for the breach to be remedied by the election participant as quickly as possible or, if immediate rectification is not possible, they will refer it to head office for review; or
2. refer the breach, preferably in writing, directly to candidates@elections.nsw.gov.au.

The display or distribution of electoral material is only regulated during the regulated period for the election (i.e. from the issue of the writs to 6pm on election day). Electoral material outside this period is not regulated by the NSW Electoral Commission, other than the display, publication or distribution of material falsely appearing to have been authorised by the Electoral Commission or Electoral Commissioner, which is an offence at all times.

Examples of electoral law breaches, including some electoral material offences, include:

- Misuse or disclosure of, or failure to comply with an undertaking regarding enrolment information in a list of electors provided to a candidate or party.

- Electoral bribery including asking for or receiving any property or benefit in order to influence or affect the vote of another person (electoral bribery must be of a serious nature calculated to influence the vote of a particular person in a particular way and does not include the general provision of food and drink at "sausage sizzles" or benefit concerts and the like during election campaigns).
- Making false or misleading statements or declarations in electoral forms, and improperly signing or witnessing forms.
- Printing, publishing or distributing non-complying electoral material including how-to-vote cards and posters, for example, by not including the name and address of the person who authorised the material or the name and place at which it was printed.
- Printing, publishing or distributing electoral material likely to mislead an elector in relation to the casting of a vote, or that falsely appears to have been authorised by the Electoral Commission or Electoral Commissioner.
- Canvassing or displaying election posters within 6 metres of the entrance to a voting centre on election day.
- Distributing electoral material on election day that has not been registered by the NSW Electoral Commission.
- Failure of an elector to vote.
- Impersonation of an elector, or voting more than once at an election.
- Failure to follow a direction (written or verbal) given by an election official to maintain order at a voting centre.

While allegations received by the NSW Electoral Commission will be acknowledged, there are strict limitations on disclosure of information relating to our investigation functions, including to any candidate or party officer who reported a potential breach. We may be authorised or required by law, however, to disclose personal information reported to us in some circumstances. For example, the NSW Electoral Commission may be satisfied under the Electoral Act that it is in the public interest in a particular case to disclose information (including identifying information) publicly about a matter under investigation, or to the person who may have reported the breach.

23.2 Electoral funding offences

The NSW Electoral Commission is responsible for investigating and enforcing electoral funding offences.

If you consider a breach of the electoral funding laws has taken place, you may refer the breach in writing to the Funding Disclosure Compliance and General Counsel Division of the NSW Electoral Commission:

- Email: investigations@elections.nsw.gov.au
- Mail: GPO Box 4046 Sydney 2001

Examples of breaches of electoral funding laws include:

- Candidate or group not registered for the election before accepting donations or making payment for electoral expenditure,
- Third-party campaigner not registered before making payment for electoral expenditure incurred during the capped expenditure period,
- Failure to update the registered details of a candidate, group or third-party campaigner that is registered for the election

- Failure to deposit political donation into the campaign account as required
- Payment of electoral expenditure from an account other than the campaign account
- Making or accepting unlawful political donations
- Failure to know the name and address of a person making a reportable political donation
- Failure to keep a record of a reportable political donation and/or issue a receipt to the donor
- Making or accepting an unlawful indirect campaign contribution
- Failure to disclose political donations or electoral expenditure and
- Making a false statement in an application for registration or in a disclosure.

Because of the nature of certain electoral funding breaches, the NSW Electoral Commission may not be able review or investigate allegations before or during the election, or prior to the relevant disclosure, claim and supporting documents are lodged by a political participant.

While allegations received by the NSW Electoral Commission will be acknowledged, there are strict limitations on disclosure of information relating to our investigation functions, including to any candidate or party officer who reported a potential breach. We may be authorised or required by law, however, to disclose personal information reported to us in some circumstances. For example, the NSW Electoral Commission may be satisfied under the Electoral Act that it is in the public interest in a particular case to disclose information (including identifying information) publicly about a matter under investigation, or to the person who may have reported the breach.

Section 24: Raising concerns about the conduct of the election and suggestions for future improvement

During the voting and counting period for a State election, any significant concerns about the way election services are being delivered by staff of the NSW Electoral Commission can be raised directly with the Candidate Helpdesk at candidates@elections.nsw.gov.au or on 1300 022 011. Raising concerns via the Candidates Helpdesk, rather than through the [Contact Us](#) section on our website or otherwise, is preferred to support resolution of any serious matter as quickly as possible during an election period.

Otherwise, general complaints or suggestions about our service delivery may be lodged by post, telephone or online using the details under [Contact Us](#) on our website. Email communications via this channel can be made using the "Complaints or Compliments about Us" drop-down enquiry type on that webpage. The NSW Electoral Commission will respond to any complaints made this way in accordance with its [Complaints Management Policy](#).

After every State election, the NSW Parliament's [Joint Standing Committee on Electoral Matters](#) also conducts a public inquiry and makes recommendations for changes at future elections. Submissions to the inquiry may be made by any person. The Electoral Commissioner is also required to provide a report on the administration of each State election, which forms part of the JSCEM's inquiry. Copies of the Electoral Commissioner's election reports are also published on our website.