

Candidate handbook

NSW State By-election

Handbook for parties, groups, candidates and scrutineers at
Legislative Assembly by-elections

Introduction

NSW State by-elections are conducted by the Electoral Commissioner for New South Wales. The three-member New South Wales Electoral Commission, of which the Electoral Commissioner is a member, regulates and enforces the law at State by-elections. The Electoral Commissioner and Electoral Commission are both assisted to exercise their functions by the agency commonly known as the NSW Electoral Commission.

NSW State by-elections are conducted in accordance with the *Electoral Act 2017*. The political donations and electoral expenditure of electoral participants are regulated by the three-member Electoral Commission under the *Electoral Funding Act 2018*. The three-member Electoral Commission also regulates and enforces the provisions of the *Electoral Act 2017*.

This handbook is intended to assist registered political parties, candidates and scrutineers participating in NSW State by-elections by explaining relevant processes and procedures. However, it is not a substitute for the law.

While the NSW Electoral Commission will provide information, it does not provide legal advice. If registered political parties, candidates or scrutineers are in doubt about any legal matters regarding the election, they should seek their own independent legal advice.

All forms and publications referred to in this handbook can be downloaded from the NSW Electoral Commission website elections.nsw.gov.au. They can also be obtained by phoning the NSW Electoral Commission candidate helpdesk on 1300 022 011.

The information in this handbook is based on legislation at the date of publication. If the legislation changes, an updated version of this handbook will be available from the NSW Electoral Commission website. Prospective candidates should regularly check the NSW Electoral Commission website for any changes to the handbook.

All enquiries should be directed to the NSW Electoral Commission candidate helpdesk: 1300 022 011.

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Glossary

Term	Description
Absent vote	A vote made 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, candidates and third-party campaigners is capped during the capped expenditure period of a state by-election. There are different caps applicable to candidates and third-party campaigners. Electoral expenditure incurred by a party is subject to the expenditure cap of the party's endorsed candidate.
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 an elected member of the NSW Parliament or a local Council. 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 Australian Electoral Commission (AEC) conducts Federal elections and assists the NSW Electoral Commission (NSWEC) to maintain the electoral roll in NSW.
Authorised roll	A roll of electors eligible to vote at the election. This roll is produced after the issue of the writ for an election, for use at voting centres. It must contain the surname, given name or names, date of birth, sex and residence of each elector. Residence details for silent electors, eligible overseas electors and itinerant electors are omitted from authorised rolls.
Ballot counting place	A place appointed by the Electoral Commissioner for the counting of ballot papers.
Ballot paper draw	The process of determining which order the candidates (and groups if applicable) will appear on the ballot paper. The draw is conducted by the Election Manager for the Legislative Assembly and the Electoral Commissioner for the Legislative Council.
Campaign account	The account that is kept by a political party, candidate, or third-party campaigner for political donations and electoral expenditure.

Term	Description
Candidate	<p>A person who is nominated in accordance with the <i>Electoral Act 2017</i> 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 the <i>Electoral Funding Act 2018</i>, a candidate includes a person registered as a candidate under the <i>Electoral Funding Act 2018</i> for the purpose of accepting political donations and making payments for electoral expenditure.</p> <p>Under the <i>Electoral Funding Act 2018</i> a candidate also includes an unregistered candidate. The rules that apply to the management and disclosure of political donations and electoral expenditure apply to a person that is not yet registered or nominated as a candidate for the election.</p> <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 to being registered as a candidate for electoral funding purposes.</p>
Capped expenditure period	The period in which the electoral expenditure of parties, candidates and third-party campaigners is capped. The capped expenditure period for a State by-election starts on the day of the issue of the writ for the by-election and ends on election day.
Cardboard material	Includes voting screens, ballot boxes, waste bins and accessible voting screens and potential hazard signs.
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 an election.
Compliance operations	NSW Electoral Commission compliance teams visit early voting centres and voting centres to monitor compliance with the <i>Electoral Act 2017</i> and the <i>Electoral Funding Act 2018</i> .
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	<p>A vote cast by an elector when the ballot papers are enclosed in an envelope containing a printed declaration signed by the elector.</p> <p>This term includes: postal votes, absent votes, enrolment votes and other special vote categories.</p>
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.

Term	Description
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 (Legislative Assembly)	The process of determining the successful candidate in a district, by distributing ballot papers of an excluded candidate according to the preferences on each ballot paper.
Donor	A person who, or entity that, makes a political donation to a party, elected member, candidate, group or other person or entity (including a third-party campaigner or associated entity).
Early voting	Electors who won't be able to vote on election day, for certain specified reasons, can vote before election day at the office of an election manager or an early voting centre.
Early ordinary vote	Type of vote issued, at an early voting centre, to an elector voting within their enrolled electoral district or at a venue established to issue ordinary votes for that district ie no declaration envelope required.
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 candidates for electoral expenditure incurred in connection with the election.
Election day	The day when electors go to a voting centre to vote.
Election management application	NSW Electoral Commission developed computer programme to undertake administrative tasks including staffing, nominations, processing declaration votes and election results.
Election manager	Appointed as an Election Manager under section 81(3) of the <i>Electoral Act 2017</i> to conduct an election for one or more districts.
Election manager's office	The office of the Election Manager located in a State district.
Election night	After 6pm on election day when certain activities in voting centres and the Election Manager's office take place.
Election official	Appointed by the Electoral Commissioner under section 81(1) of the <i>Electoral Act 2017</i> to assist with the conduct of an election. Election officials include Election Managers, Voting Centre Managers and may include other voting centre staff and assistants.
Election Sunday	The Sunday following election day.
Elector	A person entitled to vote at an election.
<i>Electoral Act 2017</i>	The <i>Electoral Act 2017</i> sets out how elections to the NSW Parliament are conducted.

Term	Description
Electoral Commissioner	Appointed by the Governor under section 11 of the <i>Electoral Act 2017</i> . The Commissioner is responsible for the conduct of elections under the <i>Electoral Act 2017</i> including the enrolment of electors, the maintenance of the Electoral Information Register and the preparation of the authorised rolls for use in elections.
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.
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 <i>Electoral Funding Act 2018</i> sets out the rules for political donations and electoral expenditure, and for public funding of election campaigns and registered political parties in NSW. The Electoral Funding Act deals with:</p> <ul style="list-style-type: none"> • the registration of electoral participants for the by-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 <i>Electoral Funding Act 2018</i> .
Electoral material	Anything, including 'how-to-vote' card, advertisement or anything else containing electoral matter, whether in a tangible or an electronic form.
Electoral matter	Anything that is intended, calculated or likely to affect an election or elector including the name or a party or candidate, or the picture of a candidate or drawing of the candidate's likeness.
Electoral offence	An offence under the <i>Electoral Act 2017</i> .
Electoral participant	A party, elected member, candidate, group, third-party campaigner or associated entity.
Enrolment/name not on roll declaration vote	An eligible person whose name does not appear on the roll for a district but claims that their details have been omitted in error, an elector who has recently moved to the district or an elector wishing to enrol for the first time may cast a vote by completing a declaration vote. Certain identification must be provided for some categories of enrolment/name not of 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 included in the count to determine the election.
How-to-vote card	A card, handbill, pamphlet or notice containing directions on how to vote for a particular candidate, party or group. How-to-vote cards are often handed out by party (or candidate) workers outside voting centres.

Term	Description
Independent	A candidate or Member of Parliament who is not seeking election as a member of a political party.
Informal ballot paper	A ballot paper that has not been completed according to the directions for voting on the ballot paper.
iVote®	<p>A system for eligible electors to cast a technology assisted vote, i.e. iVote, where an elector votes by means of an electronic device, such as by a telephone or by a computer.</p> <p>iVote® is a registered trademark of the NSW Electoral Commission.</p>
Legislative Assembly	The lower house of Parliament in NSW. It has 93 members each representing an electoral district. All 93 members are elected at a general election, every four years.
Legislative Assembly by election	An election to fill a vacancy in the Legislative Assembly.
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 (ie: 21) are elected at each general election every four years. Vacancies in the Legislative Council are filled by a joint sitting of the Legislative Assembly and Legislative Council to elect a candidate to fill the vacancy.
Major political donor	A person who, or entity (other than a party, elected member, group or candidate) that, 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	A voting centre located on or near the boundary between two or more electoral districts where ordinary votes are issued for those districts.
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 voted is permitted to vote by making a written declaration. The electors ballot papers are placed inside the declaration vote envelope for further scrutiny.
Nomination	The process by which a person lodges a nomination paper to become a candidate for election.
Nomination day	The date, set out in the writ, on which nominations close at 12 noon.
NSW Electoral Commission	<p>The independent statutory authority constituted under the <i>Electoral Act 2017</i> consisting of three members, including the Electoral Commissioner, which regulates and enforces electoral laws, including the political donation, electoral expenditure, disclosure and public funding schemes under the <i>Electoral Funding Act 2018</i>.</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.

Term	Description
Official count	A second count of all ballot papers from all voting centres and all declaration votes conducted in the week after election day. This official count involves ballot papers being data entered into a computer counting system and determines the elected candidate.
Optional preferential	The method of voting and counting the votes for a Legislative Assembly election.
Ordinary vote	A vote cast in the usual manner (ie not a declaration vote) in an early voting centre or voting centre on election day.
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 and disclosure of political donations and electoral expenditure 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 candidates eg by handing out how-to-vote cards. Unlike scrutineers, a party worker has no official status under the <i>Electoral Act 2017</i> .
Photo card	New South Wales Photo Identification Card issued by the Roads and Maritime Services.

Term	Description
Political donation	<p>a) a gift made to or for the benefit of a party, or</p> <p>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:</p> <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 <p>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:</p> <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 <p>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:</p> <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.
Preferences	The numbers written by an elector in the squares next to a candidate's name on a ballot paper, or in a group voting square on the Legislative Council ballot paper.
Recount	A recount of ballot papers in an election at the request of a candidate or as directed by the Electoral Commissioner.
Registered early voters (postal)	An elector who is eligible to be a registered early voter by post for State and Local Government elections.
Registered early voters (technology assisted voting)	An elector who is eligible to be a registered technology assisted early voter for State elections.
Registered General Postal Voter	An eligible elector who has applied with the Australian Electoral Commission to receive ballot papers by post for all local, State and Commonwealth elections.
Registered electoral material	Electoral material, including how-to-vote cards, registered by the Electoral Commissioner for distribution on election day.

Term	Description
Registered political party (RPP)	A political party registered under the <i>Electoral Act 2017</i> for the purpose of contesting 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>Prior to being nominated as a candidate, a candidate must be registered before accepting political donations or paying for electoral expenditure for the election. Candidates are nominated when they lodge a nomination form to become a candidate for the election.</p>
Regulated election period	The period from the issue of the writs up to 6pm on election day during which time, amongst other things, electoral material must meet the requirements of the <i>Electoral Act 2017</i> .
Regulations	Regulations made pursuant to the <i>Electoral Act 2017</i> and <i>Electoral Funding Act 2018</i> .
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.
Scrutiny	The check of declaration envelopes to ensure compliance before the ballot paper contained within the envelope 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 represent their interests by observing the voting and counting processes.
Scrutiny of declaration vote envelopes	The examination of declaration envelopes to determine that the elector is eligible to vote at the election and that the declaration was correctly signed. Ballot papers within accepted declaration vote envelopes will be admitted to the count of votes for the election.
Spoilt ballot paper	If an elector makes an error on completing their ballot paper they may return it to an election official and receive a new ballot paper. The election official will cancel the original ballot paper and retain it.
Third-party campaigner	A third-party campaigner is a person who, or entity that (other than an associated entity, party, elected member, group or candidate) incurs more than \$2,000 in electoral expenditure during the capped expenditure period for an election.
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).

Term	Description
Voting Centre Manager	The election official responsible for managing an early voting centre, or a voting centre on election day.
Work, health and safety (WHS)	All staff employed by the NSW Electoral Commission, including Election Managers and Voting Centre Managers are responsible for ensuring a safe and healthy work environment.
Writ	The document by which the Speaker of the New South Wales Parliament directs the Electoral Commissioner to conduct a State by-election. Also the document by which the Governor of New South Wales directs the Electoral Commissioner to conduct a State general election.

Section 1. General information

1.1. Electoral Act 2017 and Electoral Funding Act 2018

NSW State Elections and by-elections are conducted under the *Electoral Act 2017* and the *Electoral Funding Act 2018*.

These Acts can be accessed at the [NSW Legislation website](#).

1.2. Electoral Commissioner for NSW

The Electoral Commissioner for NSW is the statutory officer appointed under the *Electoral Act 2017* to manage the conduct of elections for the NSW Legislative Assembly and Legislative Council. 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 is the returning officer for NSW state by-elections.

In carrying out his or her functions the Electoral Commissioner is assisted by the staff agency, known as the NSW Electoral Commission. The NSW Electoral Commission's contact details are:

Address: 231 Elizabeth Street, SYDNEY NSW 2000.

Postal address: GPO Box 832, SYDNEY NSW 2001

Telephone: 1300 135 736

Website: elections.nsw.gov.au

1.3. Election Manager

The Electoral Commissioner delegates certain parts of the Electoral Commissioner's functions as Returning Officer to an Election Manager appointed for each election. The Election Manager conducts the election under the direction of the Electoral Commissioner.

1.4. Election Manager's office

Election Managers set up an office at the time of, and for the duration of, an election. Details of the office address and office 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 contains information such as key election dates, forms and handbooks, general information regarding enrolment, details of registered political parties, nominated candidate details, early voting, electronic voting and postal voting details, voting centre locations and election results. The website address is elections.nsw.gov.au.

1.6. Candidate helpdesk

The NSW Electoral Commission has established a help desk specifically for candidates who have questions in relation to their candidature or the election process.

The helpdesk operates each week day from 9am to 5pm and during the weekend of the election. The candidate call centre number is 1300 022 011.

1.7. Elector enquiry centre

The NSW Electoral Commission has set up an enquiry centre for electors. The enquiry centre number is 1300 135 736.

Section 2. Redistribution of electoral boundaries

As required by the *Constitution Act 1902* (NSW) a redistribution of the 93 Legislative Assembly electoral districts was conducted in 2013.

The boundaries that apply for by-elections held up to the March 2023 NSW State election are the same boundaries as those that applied at the March 2019 NSW State election.

The State district names and boundaries may be viewed at elections.nsw.gov.au

The next redistribution of electoral boundaries has taken place following the 2019 NSW State election. The new boundaries will come into effect at the March 2023 NSW State election. Until this time all State by-elections will be contested on the 2019 NSW State election boundaries.

Section 3. Issue of writ

The *Electoral Act 2017* provides that the writ for a Legislative Assembly by-election is to be issued by the Speaker of New South Wales Parliament.

The Writ specifies:

- the date of issue;
- the date for the close of nominations (nomination day);
- the date of election day; and
- the date by which the Writ is to be returned to the Speaker.

The contents of the writ are published on the NSW Electoral Commission website immediately following the issue of the writ.

Section 4. Election calendar

The election calendar is published on the NSW Electoral Commission website immediately following the issue of the writ. The calendar lists all important election and election funding activities and timeframes.

Section 5. Registration of candidates

Candidates for a State by-election must be registered for the by-election with the NSW Electoral Commission for the purpose of lawfully accepting political donations and incurring electoral expenditure.

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

This section provides an overview of what candidates and groups of candidates should understand about registration and how to register for the by-election.

When you become a candidate you must 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 agents of registered political parties are responsible for the election campaign finances of candidates who are members of those parties. More information can be found in Sections 11 and 12 – Political Donations and Electoral Expenditure.

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. As noted, registration as a candidate is for the purposes of the candidate accepting political donations and making payments for electoral expenditure. Being nominated as a candidate is a separate process, the purpose of which is to have your name included on the ballot paper.

The nomination process is described in Sections 6 and 7. For further information, go to the [NSW Electoral Commission website](#) or [contact us](#).

5.1. What is registration?

Registration means being registered under the Electoral Funding Act as a candidate with the NSW Electoral Commission for a State or Local Government election and having your registered details included on a register. The NSW Electoral Commission publishes registers required under the Electoral Funding Act on the [NSW Electoral Commission website](#).

A candidate must be registered with the NSW Electoral Commission for a by-election before accepting political donations and making payments for electoral expenditure. It is unlawful for unregistered candidates to accept political donations or make payments for electoral expenditure for a by-election before being nominated for the by-election. A candidate is nominated for the by-election when they validly lodge a nomination form to have their name included on the ballot paper.

5.2. How to register

Candidates are responsible for their own registration. To register for a State by-election the candidate must complete and lodge the relevant application for registration form. The registration period for a by-election starts on day determined by the NSW Electoral Commission but no later than the day the writ is issued for the by-election. Forms are available from the [NSW Electoral Commission website](#).

Registration forms are to be lodged by a candidate directly with the NSW Electoral Commission before accepting political donations or making payments for electoral expenditure. The deadline for submitting an application for registration is the day for the close of nominations.

A candidate for the Legislative Assembly who did not apply to be registered is taken to be registered for electoral funding purposes when they validly lodge their nomination form to be nominated as a candidate. From this time, the candidate can lawfully accept political donations and make payments for electorate expenditure for the by-election.

Registration of a candidate

To register as a Legislative Assembly candidate, use the [Application to register as a State candidate \(EF.727\)](#) form.

The registration form may be submitted at any time up to the deadline (on the day for the close of nominations). It may be emailed, posted or faxed. Contact details are provided on the form.

A candidate is registered once the NSW Electoral Commission has received and processed the registration form. It is unlawful for the candidate to accept political donations or pay for electoral expenditure until registered, or until they validly lodge their nomination forms.

The details of registered candidates are included on the [Register of Candidates](#) with details (excluding addresses) published on the NSW Electoral Commission website.

The Register of Candidates is also available for public inspection by appointment at the Sydney office of the NSW Electoral Commission. The following details of a candidate are made available for public inspection:

- the full name of the candidate
- the enrolled address of the candidate (except where the NSW Electoral Commission is aware the candidate is a silent elector within the meaning of the *Electoral Act 2017*)
- the candidate's party affiliation
- the address of the candidate's campaign headquarters (except where the address of the candidate's headquarters is the same as the candidate's enrolled address and where the NSW Electoral Commission is aware the candidate is a silent elector within the meaning of the *Electoral Act 2017*)
- the platform or objectives of the candidate (if provided to the NSW Electoral Commission).

Refusal to register a candidate

The NSW Electoral Commission may refuse to register a candidate if it believes that information provided in an application for registration is incomplete or incorrect or if the application is received after the day for the close of nominations.

Cancellation of a candidate's registration

The NSW Electoral Commission will cancel the registration of a candidate if requested by the candidate. Even if a candidate requests to have their registration cancelled disclosures of political donations and electoral expenditure must still be submitted to the NSW Electoral Commission.

Updating details on the register

Candidates must notify the NSW Electoral Commission of any changes to their registered details within 30 days of the change occurring. To notify the NSW Electoral Commission use the [Notice of change in registered particulars \(EF.740\)](#) form. It is an offence not to notify the NSW Electoral Commission of a change in registered details within 30 days.

The form may be emailed, posted or faxed to the NSW Electoral Commission. Contact details are provided on the form.

The NSW Electoral Commission will make changes to registered details of a candidate upon receipt of the form.



Section 6. Nomination as a candidate – general information

6.1. Disqualification

A person enrolled in the State of New South Wales as at 6pm on the day the writ for the election is issued may be nominated as a candidate for the Legislative Assembly district to be contested, unless disqualified under the *Constitution Act 1902* or the *Electoral Act 2017*.

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

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.

6.2. Nominations by NSW public servants

The conditions under which State 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 on the matter. The Act advises that:

- 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 available leave entitlements
- government sector agency employees standing for election are not required to resign until elected.

6.3. 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.

6.4. 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.

6.5. 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 is reviewed by relevant NSW Electoral Commission staff and may be disclosed if lawfully required or authorised in accordance with the *Privacy and Personal Information Protection Act 1998*, the *Electoral Act 2017*, the *Electoral Funding Act 2018* and other relevant Acts or Regulations.

It should be noted that the NSW Electoral Commission is required under the *Electoral Act 2017* to publish on its website the following details:

- the candidate's name
- the district for which the candidate is nominated for election and the suburb, town or other locality of the place of residence as enrolled of the candidate (as stated on the nomination form)
- Note: A silent elector's suburb, town or other locality will be not published
- the Child Protection Declaration
- the candidate's contact details if supplied.

Section 7. Nomination as a candidate

Legislative Assembly candidates must be enrolled in New South Wales as at 6pm on the day the writ for the election is 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
- by 25 electors enrolled in the district being contested.

7.1. 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 prior to 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 form SE.227	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.

7.2. 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 writ, 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, 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 form SE.227	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.

7.3. Child Protection Declaration

The *Electoral Act 2017* provides that the nomination of a candidate for the Legislative Assembly is not valid unless it is accompanied by a **Child Protection Declaration form SE.227**.

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 (maximum penalty of up to five years imprisonment), and if a Member of Parliament is convicted of making a false declaration, he or she will be disqualified from sitting in Parliament pursuant to section 13A of the *Constitution Act 1902*.

After the election, the declaration of the elected candidate is reviewed by the Children's Guardian and a report on the findings tabled in both Houses of Parliament.

7.4. Nomination deposit

A nomination deposit of \$250 must be lodged for each candidate nominating for a Legislative Assembly district. The nomination deposit of \$250 must be lodged by the close of nominations. The deposit must be paid in cash, bank cheque or credit union or building society cheque made out to the NSW Electoral Commission.

7.5. Nomination timeframe

The Legislative Assembly nomination form, the Child Protection Declaration and deposit, can only be lodged from the date of the issue of the writ until noon on the day set out in the writ as nomination day. Refer to the NSW Electoral Commission's website once the writ has been issued for the last day to lodge a nomination form.

The above can be lodged by any of the following methods:

- by hand delivery to the Election Manager's office for the district being contested;
- by hand delivery to the NSW Electoral Commission, level 3, 231 Elizabeth Street, 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.

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

It is strongly recommended that any potential candidate who lodges their nomination telephone 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 with the Electoral Commissioner or Election Manager, as applicable, by 12 noon on nomination day.

Any nomination forms, Child Protection Declarations or deposits received after 12noon on nomination day will not be accepted.

7.6. Defective nomination

When a nomination is lodged, an election official at NSW Electoral Commission head office or Election Manager, as applicable, checks the form(s) to ensure it has been fully completed. This includes ensuring 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 writ
- 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 writ 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 12noon on nomination day.

It is recommended that all nominations are lodged as early as possible so that any defects, which may be found during the checking process, can be fixed in time. If compliance with the necessary requirements has not occurred by 12 noon on nomination day the nomination will be rejected.

7.7. Candidate's details on the NSW Electoral Commission website

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

The following candidate details are displayed on the NSW Electoral Commission website after the ballot paper draw is held at 10am on the day following nomination day. These details are:

- 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 (this also applies if the candidate is a silent elector)
- the Child Protection Declaration
- the candidate's contact details (if supplied)
- if applicable, the sound recording of the candidate's first name, last name and registered party affiliation or Independent for the purposes of iVote voting.

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 to have the matter rectified.

7.8. Withdrawal of a nomination

Legislative Assembly candidates may withdraw their nomination before 12 noon on nomination day by lodging a completed **Withdrawal of nominations form SE.231** with the NSW 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 on nomination day.

If a candidate who withdraws their nomination is registered as a candidate under the *Electoral Funding Act 2018*, the candidate still has legal obligations under that Act and may be required to submit disclosures of political donations and electoral expenditure (See Section 14). The candidate may request the NSW Electoral Commission cancels their registration (See Section 5). [Contact us](#) for further information if you have withdrawn your nomination.

7.9. Death of a candidate

Death of a Legislative Assembly candidate prior to 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 on nomination day, the day named as the nomination deadline is extended by 24 hours for that district.

Death of a Legislative Assembly candidate prior to 6pm election day

If a Legislative Assembly candidate dies after 12 noon on nomination day and before 6pm on election day, the election is taken to have failed in that district. A new writ will be issued for that district for the Legislative Assembly to be held at a later date.

Death of a Legislative Assembly candidate after 6pm election day

If a Legislative Assembly candidate dies after 6pm on election day 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.

7.10. Dual nominations

If at 12 noon on nomination day, a person is a candidate in more than one Legislative Assembly district (if more than one by election is being held concurrently), each of those nominations is void.

7.11. Uncontested election

If at 12 noon on nomination day, only one valid nomination has been accepted for a Legislative Assembly district, the election is uncontested for this district and the nominated candidate will be declared elected.

7.12. 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 on nomination day
- had their nomination rejected due to it being incomplete at 12 noon on nomination day.

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 8. Legislative Assembly ballot paper

8.1. Candidate's name on the ballot paper

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

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

- one given name which may be any one of the enrolled given names
- an initial standing for that given name
- a commonly accepted variation of that given name, including an abbreviation or truncation (for example, Bob for Robert; Peggy for Margaret; Dick for Richard, etc)
- candidates with hyphenated given names 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 appears 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, are permitted on the ballot paper.

8.2. Candidates nominated by a registered political party

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

8.3. 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. This option must be indicated on the nomination form.

8.4. Ballot paper draw

The draw to determine the order of candidates' names on the ballot paper for the Legislative Assembly district takes place at the respective Election Manager's office at 10am on 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.

8.5. 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 to 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) is available at elections.nsw.gov.au the day following the ballot paper draw.

Ballot paper
Legislative Assembly Election – Electoral District of
Miranda
New South Wales 2019 Election

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

- Write the number **1** in the square next to the candidate of your choice.
- You can show more choices, if you want to, by writing numbers in the other squares, starting with the number **2**.
- Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).

CANDIDATES

SMITH, John
Independent

WHITE, Tony
LABOR

JONES, Sue

WONG, Henry
THE GREENS

GRAY, Margaret
LIBERAL

You must not take a ballot paper out of the voting centre

Section 9. Compulsory enrolment and voting

9.1. Compulsory enrolment

All Australian citizens 18 years of age or over who have lived at their current address for at least one month are required by law to enrol to vote for Federal, 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 or change their enrolment details should go to [Australian Electoral Commission \(AEC\) website](#) for information on the process.

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

9.2. 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 writ for the election. That same deadline applies for persons who wish to act as nominators for candidates at elections.

Section 10. Copies of the list of electors to candidates

10.1. Legislative Assembly

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

10.2. Privacy and security of enrolment information

Candidates must treat enrolment information with absolute privacy as it contains electors' personal information. Before being provided with a list of electors, the candidate may be required to provide the Electoral Commissioner with an undertaking that they have adequate systems and procedures to preserve the security of that information.

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 – \$110,000 per offence – for candidates or others using a list of electors for any reason other than a permitted purpose.

The arrangement under which the candidate is provided with a list of electors states that they must destroy that data immediately after the election results are declared.

Section 11. Political donations

Parties, candidates and other electoral participants at a State by-election are responsible for understanding and complying with the rules for political donations set out in the *Electoral Funding Act 2018* and the Electoral Funding Regulation 2018.

This section provides an overview of what parties, candidates and other electoral participants need to understand about who is responsible for the management and disclosure of political donations and electoral expenditure and details of the requirements for political donations.

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

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

Political parties, candidates and party agents must understand their responsibilities for managing and disclosing political donations and electoral expenditure. If you have been a candidate prior to the 2019 NSW State election you should be aware that the rules have changed in relation to who is responsible and candidates no longer have an official agent.

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.

State by-election candidates who are members of a registered political party

The party agent of a registered political party is responsible for the political donations and electoral expenditure of all candidates at a State by-election that are members of the party.

This is the case even if a candidate was not nominated by the party for the by-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 by-election.

The party agent is responsible for maintaining complete and accurate records of the political donations and electoral expenditure of the candidate and for using the party's campaign account to deposit political donations made to the candidate, deposit any contributions made by the candidate to their own campaign and pay electoral expenditure incurred on behalf of the candidate.

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

State by-election candidates who are not members of a registered political party

Each candidate who is not a member of a registered political party is responsible for their own political donations and electoral expenditure.

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

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

11.2. Political donations

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

What is a political donation?

A political donation has a different meaning for a party, elected member, candidate or other electoral participant.

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

Elected members and candidates – A political donation is a gift made to or for the benefit of an elected member or 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 an elected member's duties as an elected member, or
- to enable the elected member or candidate to make, directly or indirectly, a political donation or to incur electoral expenditure, or
- to reimburse the elected member or candidate for making, directly or indirectly, a political donation or incurring electoral expenditure.

Others (including third-party campaigners and associated entities) – A political donation is a gift made to or for the benefit of an entity or other person (not being a party 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 fundraising proceeds,
- 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 associated party (e.g. common membership, coalition arrangement),
- uncharged interest on a loan i.e. the additional amount that would have been payable by a lender 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.

A political donation:

- 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 NSW, or an elected member outside of NSW.

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

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,
- electoral expenditure for or on behalf of elected members, candidates or groups of candidates who are members of the party.

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

- to incur electoral expenditure,
- to reimburse a person for incurring electoral expenditure,
- for making a donation to an elected member or a candidate (other than a donation to those who are not endorsed by a political party), or
- to incur expenditure in connection with parliamentary duties of the elected member or for community activities.

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 person or entity in a financial year that in aggregate are less than \$1,000.

There is an exception to the rule for the aggregation of multiple small political donations made by a person to the same recipient in a financial year. A political donation that is \$50 or less that is made by a person at a fundraising venture or function, where that was the only political donation made by the person at the venture or function, the political donation does not need to be aggregated with other political donations made by that person to the same recipient in the financial year.

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

Reportable political donations

A reportable political donation is a donation of \$1,000 or more made by a donor, either as a lump sum or as multiple small political donations made by the same donor to the same recipient in a financial year that in aggregate are \$1,000 or more.

If a reportable political donation is received by a party 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 reportable political donation, 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.

Candidates – receipts/acknowledgments for reportable political donations are to be issued by the party agent (where the party agent is the person responsible for the management and disclosure of the candidate's political donations and electoral expenditure) or candidate.

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

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 or candidate within a financial year, the loans are to be aggregated and treated as a single loan, and 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.

Who can make a political donation?

Only certain individuals and entities are eligible to make political donations in NSW:

- an individual enrolled to vote at federal elections or in NSW for State or Local Government elections, or
- an entity with an ABN or other business number recognised by the Australian Securities and Investments Commission (e.g. ACN), or
- an individual or entity that has been approved by the NSW Electoral Commission to make political donations (to be approved to make political donations the individual or entity must make an application to the NSW Electoral Commission and provide identification using the [Application for approval of acceptable identification by a political donor \(EF.708\)](#) form).

It is unlawful to accept a political donation from a person or entity who is not eligible to make political donations.

Accepting political donations

Parties – Political donations made to or for the benefit of a party can be accepted by any person authorised by the party to accept political donations. Before accepting a political donation, the party should ensure that the donor is eligible to make political donations and the donation is not unlawful.

Political donations made to or for the benefit of a party that will be used by the party to incur electoral expenditure for a State election must be paid into the party's State campaign account.

Any person who accepts a political donation on behalf of the party must provide the details of the donation and the donor to the party for the purpose of the party keeping complete and accurate records and to enable the party to issue a receipt to the donor (for a reportable political donation).

Candidates – Political donations made to or for the benefit of a candidate cannot be accepted until the candidate is registered for the election with the NSW Electoral Commission (refer to Section 5 – Registration of candidates). Before accepting a political donation, the party agent or candidate (as applicable) should ensure that the donor is eligible to make political donations and the donation is not unlawful.

If the party agent is the person responsible for a candidate, the political donations must be made to the party agent and be paid into the party's State campaign account. The party agent must keep a complete and accurate record of each political donation made to or for the benefit of a candidate and issue the donor with a receipt if the donation is a reportable political donation.

If the candidate is responsible for managing and disclosing their own political donations, the political donations must be paid by the candidate into the campaign account of the candidate. The candidate must keep a complete and accurate record of each political donation made to or for the benefit of a candidate and issue the donor with a receipt if the donation is a reportable political donation.

Despite the requirement for a candidate to be registered, a political donation can be made to a party agent on behalf of a future candidate for election in a Legislative Assembly electoral district before the candidate has been identified, selected or otherwise endorsed by the party. In such cases the political donation must be used to incur electoral expenditure on behalf of the candidate for election in that electoral district.

Caps on political donations

Political donations are capped in NSW. Caps on political donations are adjusted each financial year and are published on the [NSW Electoral Commission website](#).

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 (including State elections).

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

- a political donation that is \$50 or less that is made by a person at a fundraising venture or function, where that was the only political donation made by the person at the venture or function, the political donation does not need to be aggregated with other political donations made by that person to the same recipient in the financial year.

- a party levy paid to a party by an elected member or a candidate who is a member of the party,
- 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, and
- the names of the other corporations and the amounts of the political donations made during that same financial year.

Self-funding

Contributions made by a candidate to finance their own campaign are not political donations and are not subject to donation caps.

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

During the financial year of a State by-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
- political donations to the party up to the party's cap on political donations.

Prohibited donors

Individuals and entities from certain industries are prohibited from making political donations in NSW. 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.

A candidate who is a prohibited donor can contribute to their own election campaign and can accept political donations from others (except other prohibited donors) but must not make political donations. For the detailed definitions of prohibited donors refer to [section 53 of the Electoral Funding Act](#).

A political donation paid into an account kept by a party exclusively for federal election campaigns is exempt from the rules for prohibited donors.

Indirect campaign contributions

The following are indirect campaign contributions to a party 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 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 or candidate.

In relation to an indirect campaign contribution, electoral expenditure for advertising is taken to be incurred by a party or candidate if the advertising is authorised by the party 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 payment made to a party, elected member or candidate from the Election Campaigns Fund, Administration Fund or New Parties Fund.

It is unlawful for a person to make or accept the following indirect campaign contributions:

- anything provided to or done for the benefit of a registered party valued at more than the political donation cap that is applicable to the party,
- anything provided to or done for the benefit of an unregistered party or candidate valued at more than the political donation cap that is applicable to the unregistered party or candidate, taking into account the total value of things provided or done by the same person over the same financial year.

Political donations to a future candidate used for another purpose

A political donation can be made to a party agent on behalf of a future candidate for election in a Legislative Assembly electoral district before the candidate has been identified, selected or otherwise endorsed by the party. In such cases the political donation must be used to incur electoral expenditure on behalf of the candidate for election in that electoral district.

It is unlawful for the political donation to be used for any other purpose.

Anonymous political donations

Before a person accepts a reportable political donation the person must either know the name and address of the person who is making the donation or 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.

Cash donations over \$100

It is unlawful for a person to make or accept political donations in the form of cash over \$100. Such political donations must be made electronically or by cheque.

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 not endorsed by that or any other party and the candidate must not accept the political donation.

Section 12. Electoral expenditure

Parties, candidates and other electoral participants at a State by-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, candidates and other electoral participants need to understand about electoral expenditure.

The rules set out in Section 11 – 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.

Candidates may be eligible to claim a reimbursement of a portion of electoral expenditure after the election. For information about the Public Funding of Election Campaigns go to Section 28.

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

12.1. 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 or in auditing campaign accounts.

Electoral expenditure also includes expenditure incurred in the use or acquisition of any of the following items within a 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.

If there is a purchase and disposal of the property listed above electoral expenditure includes only so much of the purchase price of the property that is not recovered in the disposal of the property.

12.2. 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](#).

12.3. Making payments for electoral expenditure

Parties – Electoral expenditure incurred by a party for a State by-election campaign must be made from the party's State campaign account. The expenditure can be paid by any person authorised by the party.

Any person who makes a payment for electoral expenditure from the party's State campaign account must provide the details of the expenditure to the party for the purpose of the party keeping complete and accurate records.

Candidates – Payments for electoral expenditure cannot be made by or on behalf of a candidate until the candidate is registered for the election with the NSW Electoral Commission (refer to Section 5 – Registration of Candidates).

If the party agent is the person responsible for a candidate, the electoral expenditure must be made by the party agent from the party's State campaign account. The party agent must keep a complete and accurate record of all electoral expenditure incurred on behalf of a candidate. The electoral expenditure incurred by a party agent on behalf of a candidate is separate to any electoral expenditure incurred by the party substantially for the purposes of the election in a particular electoral district.

If the candidate is responsible, the electoral expenditure must be paid by the candidate from the campaign account of the candidate. The candidate must keep a complete and accurate record of all electoral expenditure incurred by the candidate.

12.4. 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 and candidates.

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

Electoral expenditure incurred for raising funds for an election and for auditing campaign accounts are not subject to the caps on electoral expenditure.

What are the expenditure caps?

The expenditure caps applicable to State by-elections are:

Category	Expenditure cap
Candidates	\$265,000
Parties, where more than one by-election is held on the same day	\$66,400 per electoral district

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

- The electoral expenditure incurred by a candidate endorsed by a party for a State by-election is to be aggregated with the electoral expenditure of the party and is to be within the candidate's expenditure cap.
- 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 one candidate.

What is the capped expenditure period?

The capped expenditure period for a State by-election starts on the day of the issue of the writ for the by-election and ends on election day.

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.

Section 13. Campaign accounts and record keeping

Parties, candidates and other electoral participants at a State by-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, candidates and other electoral participants need to understand about operating a campaign account and keeping records of political donations and electoral expenditure.

The rules set out in Section 11 – 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 the [NSW Electoral Commission website](#) or [contact us](#).

13.1. What is a campaign account?

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

A campaign account is also an account that is required to be kept by a candidate for an election where the candidate is responsible for the management and disclosure of political donations and electoral expenditure if the political donations received or electoral expenditure incurred by the candidate are \$1,000 or more.

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

There are no requirements under the *Electoral Funding Act 2018* 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 or candidate.

13.2. 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 the 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 of the party.

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 Section 11 – 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 a candidate that exceeds the applicable cap on political donations to the candidate (where the party agent is responsible), 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 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).

13.3. Campaign account for a candidate where the party agent is responsible

If a party agent is responsible for a candidate, the candidate is not permitted to keep a campaign account for the election. The party's State campaign account must be used to:

- deposit any contributions made by the candidate to finance their own campaign, and
- deposit any political donations made to or for the benefit of the candidate, and
- make payments for electoral expenditure on behalf of the candidate.

Political donations made to or for the benefit of a candidate, that are used to make payments for electoral expenditure on behalf of the candidate (or to reimburse a person for electoral expenditure incurred), must be paid into the party's State campaign account by the party agent and the payments must be made by the party agent from the party's State campaign account.

All electoral expenditure of the candidate must be paid from the party's State campaign account and it must be paid for by the party agent. Electoral expenditure paid on behalf of a candidate can only be paid using:

- contributions made by a candidate to finance their own campaign, or
- political donations made to or for the benefit of the candidate.

Minor payments of electoral expenditure of \$50 or less (and no more than \$1,000 in total in an election period) can be paid for outside the campaign account. A record must be kept by the party agent in the petty cash book that is required to be kept.

The party agent can appoint a person to make payments from the party's State campaign account on behalf of a candidate. The party agent should keep a written record of the appointment.

Electoral expenditure of the party for an electoral district paid from the party's State campaign account is separate to any electoral expenditure paid from the account by the party agent on behalf of the candidate for the candidate's campaign noting that the electoral expenditure of the party and its endorsed candidate are to be aggregated for the purpose of the expenditure caps.

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 for the purposes of keeping complete and accurate records.

13.4. Campaign account of a candidate where the candidate is responsible

If a candidate is responsible for managing the political donations and electoral expenditure, a campaign account is required to be kept for the candidate in the following circumstances:

- reportable political donations have been received by the candidate in the period from 30 days after the 2019 NSW State election to 30 days after the State by-election, or
- the total amount of electoral expenditure incurred by the candidate is \$1,000 or more in period from 30 days after the 2019 NSW State election to 30 days after the State by-election.

The candidate must be authorised with the financial institution to operate the account and must operate the account.

Political donations made to or for the benefit of a candidate, that are used to make payments for electoral expenditure for the candidate, must be paid into the campaign account and the payments must be made from the campaign account.

Other uses for the campaign account include:

- deposit contributions made by the candidate to finance their own campaign,
- deposit political donations made to or for the benefit of the candidate,
- deposit payments made to the candidate by the NSW Electoral Commission from the Election Campaigns Fund,
- to make payments for electoral expenditure for the candidate,
- reimburse the candidate for money paid into the account by the candidate, or
- to make political donations to elected members or candidates who are members of the same party as the candidate.

Electoral expenditure of a candidate can only be paid using:

- contributions made by a candidate to finance their own campaign, or
- political donations made to or for the benefit of the candidate.

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

The candidate can appoint a person to make payments from the campaign account and to deposit political donations made to or for the benefit of the candidate. The person appointed should then be authorised by the financial institution to operate the campaign account. A written record of the appointment should be kept.

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 candidate was a member at the time the candidate contested the election, or
- to a charity nominated by the 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.

13.5. Record keeping

Complete and accurate accounting and financial records must be kept by parties, party agents 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 a candidate for whom the party agent is responsible is responsible for keeping the group or candidate's records, and
- a candidate who does not have a party agent responsible, 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 NSW:

- 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.

Candidate records

The person responsible for a candidate is required to keep the following accounting records in relation to the 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 candidate, separate records must be kept for each candidate.

Receipt and acknowledgement books

The NSW Electoral Commission provides candidates (and party agents where they are responsible) with receipt and acknowledgement books for reportable political donations received. To request a receipt/acknowledgement book [contact us](#).

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 keeping 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.

Parties can use their own form of receipts and acknowledgements for reportable political donations as long as they comply with the requirements of the Electoral Funding Regulation 2018.

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.

Petty cash book (applies to candidates)

The 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, and
- 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, and
- 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.

Journal (applies to parties)

As soon as possible after each transaction, the party must enter in the 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.

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, and
- at the direction, or with the approval, of a party or candidate.
- the party 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 or other media 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 or candidate. The party 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, and
- 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,
- if the expenditure is incurred in respect of other printed election campaign material, a copy of each printed item.

Section 14. Disclosure of political donations and electoral expenditure

Parties, candidates and other electoral participants at a State by-election are responsible for understanding and complying with the rules for disclosing political donations and electoral expenditure set out in the *Electoral Funding Act 2018* and the Electoral Funding Regulation 2018.

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

If you have previously contested an election in NSW you should be aware that the disclosure rules changed on 1 July 2018 including the frequency of disclosures; and disclosures are now not required to be sent to a registered auditor before they are submitted to the NSW Electoral Commission.

The rules set out in Section 11 – 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](#).

14.1. 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, groups, candidates, elected members 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 similar to a statutory declaration in that the person making the disclosure must legally 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.

14.2. What are the disclosure requirements for a State by-election?

The following types of disclosures apply in relation to a State by-election:

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

14.3. Half-yearly disclosures of political donations

All political donations 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.
- 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 go across a financial year and are: 1 July to 31 December and 1 January to 30 June
- Disclosures must be made within 4 weeks of the end of each half-yearly period: 28 January and 28 July
- 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.
- Donors are not required to make half-yearly disclosures.

14.4. 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 annually 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: 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.
- Donors are not required to make annual disclosures of electoral expenditure.

14.5. 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 of \$1,000 or more during an annual period 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 4 weeks of the end of the financial year, which is 28 July.

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 will assist donors in making their disclosures on time.

14.6. How to make disclosures

Disclosures are 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 must be completed and signed by the person responsible:

- a party – the party agent,
- a member of the NSW Parliament, or a State election candidate, who is a member of a registered political party – the party agent,
- a third-party campaigner – the campaigner’s official agent,
- an associated entity – the entity’s official agent, and
- a major political donor – the donor.

Disclosure forms can be submitted to the NSW Electoral Commission by mail, fax, email, Funding and Disclosure Online, or hand delivered.

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 the due date. The NSW Electoral Commission can only approve an extension if there are sufficient reasons to justify the extension.

14.7. Can I amend a disclosure after it is submitted?

Yes. To amend a disclosure form you previously submitted to the NSW Electoral Commission use the relevant amended declaration form available on the [NSW Electoral Commission website](#).

14.8. What happens after a disclosure is made?

The disclosure form is scanned by the NSW Electoral Commission and published to 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 2018*. 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 six years and are made available for inspection to the public.

Section 15. Electoral material

15.1. General

The NSW Electoral Commission provides guidance on whether electoral material complies with the law, but it does not provide legal advice. Electoral participants should seek their own legal advice if necessary, for example, before producing their electoral material.

The *Electoral Act 2017* provides requirements in relation to content, size, type, placement and distribution of electoral material (including posters) during the regulated election period. During the regulated election period the NSW Electoral Commission generally provides those responsible for non-complying electoral material an opportunity to correct any non-compliance, cease distributing, or remove the material.

All complaints concerning non-complying electoral material must be accompanied by supporting evidence e.g. a copy of the electoral material, or a photograph of the material/poster/advertisement in question.

In addition, registered political parties, groups, candidates, their workers, individuals, organisations or community groups must comply with any other legal obligations e.g. complying with Local Government (Council) requirements.

15.2. Electoral material definition

Electoral material

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

Electoral matter means:

- a) 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
- b) 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.

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 or of the Commonwealth;
- a member or former member of the Parliament of New South Wales or any other State or Territory or 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.

15.3. Unregistered political parties

An unregistered political party cannot use their party name on the ballot paper. However, an unregistered political party can distribute electoral material which supports a candidate, e.g. 'The X Party supports Joe Bloggs'.

However, electoral material cannot contain matter that may mislead an elector in the casting of their vote. For example, an unregistered political party cannot display the party name next to the candidate's name on a how-to-vote card in a way that implies the ballot paper would look like that, or that the party is registered with the NSW Electoral Commission.

Unregistered political parties which promote candidates at elections also have obligations under the *Electoral Funding Act 2018*. These include the requirement to appoint a party agent, as well as being subject to caps on donations and caps on electoral expenditure at State elections (see Section 14).

15.4. Non-complying electoral material

Once the writ is issued, it is an offence to print, publish or distribute non-complying electoral material (including posters). Non-complying electoral material includes the following:

- Electoral material containing voting directions intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of his or her vote. For example, directing that two candidates each be given a first preference vote or that a ✓ or X be used instead of number(s).
- Any electoral material displayed during the regulated election period must only instruct electors to use number(s) and must not contain instructions asking electors to mark their ballot paper using ticks and/or crosses. Similarly, electoral material cannot advise electors to place number(s) outside a voting square on the ballot paper.
- Electoral material containing an untrue statement intended or likely to mislead or improperly interfere with an elector in or in relation to the casting of his or her vote.
- This does not refer to political statements and judgments. It refers to the act of voting itself, i.e. marking a ballot paper. For example, irrespective of whether the following statements are true, they will not be considered to mislead or improperly interfere with voters in the casting of their vote:
 - Party X will introduce a new tax.
 - The policies of party X will lead to a rate of inflation of 20 per cent.
- Electoral material containing information that is incorrect or misleading about whether a person is or is not:
 - a candidate for the election; or
 - a candidate for a particular electoral district; or
 - a member of a Registered Political Party or a group; or
 - nominated or endorsed by a Registered Political Party.
- The electoral material uses the name, an abbreviation or acronym of the name or a derivative of the name of a registered political party (or a name or abbreviation resembling such a name, abbreviation, acronym or derivative) in a way that is intended or likely to mislead any elector.
- For example, a group of persons calling themselves Locals Against Building Orbital Roads cannot be abbreviated to Labor. A candidate is not permitted to distribute electoral material marked with the printed logo of a registered political party in a fashion which could lead electors to think the candidate was nominated by the registered political party when this is not the case.
- The electoral material uses the word ‘Independent’ and the name or an abbreviation or acronym of the name or a derivative of the name of a Registered Political Party in a way that suggests or indicates an affiliation with that party.
- For example, independent candidates cannot describe themselves as ‘Independent Liberal’ or ‘Independent Labor’.
- The electoral material contains voting directions contrary to the requirements of the *Electoral Act 2017* or that are contrary to the directions or instructions contained in the relevant ballot papers, including (for example) a direction:
 - to leave the ballot paper blank, or
 - to write or draw unauthorised matter on the ballot paper, or
 - to repeat or leave out a number when indicating preferences, or
 - the material could result in an elector casting an informal vote, or
 - the material contains a statement (express or implied) to the effect that voting is not compulsory.

- The electoral material contains a statement intended or likely to mislead an elector that the electoral material is an official communication from the Electoral Commissioner or the Electoral Commission.

15.5. Regulated election period

The regulated election period is from the date of the issue of the writ up to 6pm on election day.

Prior to the regulated election period, neither the NSW Electoral Commission nor the Election Manager has any involvement in the regulation of electoral material.

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

In addition, 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, and approved by, the Electoral Commissioner.

The following table outlines the legislative approval requirements for different types of electoral items dependent upon their time of issue.

Electoral item	During regulated election period	On election day up to 6pm
Electoral material	Must meet requirements of legislation. Does not need to be registered	Must be registered with, and approved by, the Electoral Commissioner
Poster	Must meet requirements of legislation. Does not need to be registered	Must meet requirements of legislation. Does not need to be registered
Websites, Internet etc	Must meet requirements of legislation. In addition, if material is printed and if distributed on Election day from a website the printed paper must meet the requirements of legislation	Must meet requirements of legislation. In addition, if material is printed and if distributed on Election day from a website the printed paper must meet the requirements of legislation
Newspaper	Must meet requirements of legislation. Does not need to be registered	Must meet requirements of legislation. Does not need to be registered
T-shirts, balloons, badges etc	Not regulated by the NSW Electoral Commission	Not regulated by the NSW Electoral Commission
Radio and TV	Under the <i>Broadcasting Services Act 1992</i> (Cth), any political advertising on radio and television must cease at midnight on the Wednesday before election day	Under the <i>Broadcasting Services Act 1992</i> (Cth), any political advertising on radio and television must cease at midnight on the Wednesday before election day
Billboards and digital road signs	Must meet requirements of legislation. Does not need to be registered	Must meet requirements of legislation. Does not need to be registered
Loudspeakers, speakers etc audible within a voting centre	Must meet requirements of legislation	Must meet requirements of legislation

15.6. Electoral material authorisation

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

- a) the name and address of an individual on whose instructions the material was printed, published or distributed, and
- b) if the material has been printed, the name of the printer and address at which it was printed.

For this requirement under the *Electoral Act 2017*, ‘address’ of an individual means a full street address and suburb or locality, that is located in Australia and at which the individual can usually be contacted during the day but does not include a post office box.

It is important to note that there are additional requirements concerning the authorisation details that are required for electoral material that is published or posted to social media as well as electoral material from registered political parties to be registered for distribution on election day. Please refer to section 15.7 and 15.6.3 for further details.

Electoral advertising on billboards or digital signs

During the regulated election period, a person must not display any electoral matter on electronic billboards, digital road signs or other similar devices unless the matter contains the name and address of an individual who authorised the display in visible, legible characters.

Publication of paid electoral advertisements on the internet

A person must not, during the regulated period, publish an advertisement containing electoral matter on the internet, or cause, permit or authorise such an advertisement to be published, if:

- the advertisement is paid for by the person or another person; and
- the name and address of an individual who authorised the advertisement do not appear within the advertisement.

A person does not commit the offence if the person establishes that the matter published on the internet forms part of a general commentary on a website.

Social media posts by “electoral participants” containing electoral matter where no amount is paid to the platform

For social media posts containing electoral matter posted by an electoral participant, where no amount was paid to the social media platform provider in connection with publishing the post, the name and address of the electoral participant must be included in or directly linked to the post.

This includes posts made on behalf of an electoral participant by an officer, employee or agent of the electoral participant. ‘Electoral participant’ means a party, candidate, member of parliament, third-party campaigner or associated entity. ‘Third-party campaigner’ and ‘associated entity’ have the same meanings as in the *Electoral Funding Act 2018*.

Including in or directly linking to the post may include the name and address being:

- In the text of the post, or
- In a photograph or image attached to or embedded in the post, or
- In the ‘about’, ‘bio’ or ‘impressum’ part of the webpage or profile of the person who made the post

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

Political parties, candidates, members of parliament, third-party campaigners and associated entities should ensure their staff are aware of the authorisation requirements in relation to electoral material, particularly when posting publicly on social media accounts during the regulated period.

Social media posts containing electoral matter not made by “electoral participants” where no amount is paid to the platform

Social media posts not made by or on behalf of an electoral participant, if no amount was paid to the social media platform provider in connection with the publication of the post, do not require an authorisation.

In addition, if any person during the regulated election period, prints from a website or the internet and then distributes one or more pages of electoral matter that is intended, calculated, or likely to affect, or is capable of affecting, the result of an election, then those printed pages must comply with the requirements of the Act ie: show details of the authoriser and printer as previously described above.

Additionally, if those printed pages are to be distributed on election day they must be registered with and approved by the Electoral Commissioner.

SMS

SMS communication containing electoral matter must include the authorisation.

If the authorisation would be too long to include in an SMS, the authorisation may be provided at a URL link included in the SMS. Any authorisation provided via a URL link must remain active until the end of the regulated period.

Phone calls

A telephone call that is a recorded message containing electoral matter, for example a ‘robocall’, should include the authorisation.

Letters and emails

Letters or emails containing electoral matter sent as part of a bulk or multiple sending of letters or emails must include the authorisation. It is not sufficient to provide the authorisation at a separate URL link included in the email.

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, do not require the authorisation.

Other forms of electronic media and advertising

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.

Electoral advertising on radio and TV

Under clause 3A of Schedule 2 to the *Broadcasting Services Act 1992* (Cth), a broadcaster must not broadcast an election advertisement from the end of the Wednesday before election day until the close of the poll on election day.

The particular content to be included in electoral advertising on radio or television depends upon who authorised the broadcast:

- a) If authorised by a party, its name, and the town, city or suburb in which its office is situated, and the name of the person effecting the authorisation,
- b) If authorised by someone other than a party, the person's name, and the town, city or suburb in which the person lives (or is situated if a corporation),
- c) In all cases, the name of every speaker in the advertisement.

This is general information only. The *Broadcasting Services Act 1992* is administered by the Commonwealth Government. Enquiries relating to its operation during election periods should be directed to the Australian Communications and Media Authority.

Websites, including persons or organisations publishing electoral material

Political parties, candidates, associated entities, third-party campaigners, and other political participants will often have their own website on which electoral material is published.

A single authorisation on such a website will be sufficient, subject to the requirements for social media. The requirements for social media content containing electoral material apply to social media embedded on the websites of political parties and other participants.

Electoral advertising in newspapers

Advertisements placed in newspapers require the name and address (post office box 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 with the Electoral Commissioner.

T-shirts, lapel badges, balloons, etc

The following items are exempt from the electoral material authorisation requirements discussed in section 15.6 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.

Writing, 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.

15.7. Registration of electoral material

General

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, and approved by, the Electoral Commissioner.

It is an offence to distribute electoral material on election day unless the material has been registered by the Electoral Commissioner. '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.

The Electoral Commissioner will not register electoral material if the material does not include in visible, legible characters the following:

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

For this requirement under the *Electoral Act 2017*, 'address' of an individual means a full street address and suburb or locality, that is located in Australia and at which the individual can usually be contacted during the day but does not include a post office box.

Time period for registration of electoral material

Electoral material submitted for registration will be received by the NSW Electoral Commission head office commencing on nomination day and until 5pm on the Friday, eight days before election day.

Registration of electoral material

Registered political parties, groups, candidates, and other persons or organisations can apply to register electoral material by completing and lodging the paper application form **Application to Register Electoral Material (How to Vote Cards) for distribution on election day form SEBY. 212** available from the NSWEC website.

The online registration system used at the March 2019 NSW State election is not used for by-elections.

Once the electoral material has been lodged, NSW Electoral Commission head office staff 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.

Election Managers have no role to play in the registration process.

Electoral material registered in a language other than English

Electoral material submitted in a language other than English must be accompanied by an English translation. This translation must be lodged at the same time as the electoral material to be registered. The applicant must certify that the English version is an accurate translation of the other language(s).

Accessible electoral material

Approved electoral material will be publicly displayed on the NSW Electoral Commission website from 8am on the Monday prior to election day. Candidates, registered political parties and others are encouraged to register electoral material that is accessible in order to assist electors who are blind or have low vision access that material on the NSW Electoral Commission website.

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 under the *Electoral Act 2017* to distribute unregistered electoral material on election day.

However, the electoral material may be distributed up to midnight on the Friday before election day, as this material does not require registration. The materials must still meet legislative requirements previously outlined.

15.8. Printing, distribution and display of electoral material

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 receiving approval from the NSW Electoral Commissioner.

Electoral material distributed on election day

Not all registered electoral material must be distributed on election day. For example, a person may have registered and received approval from the NSW Electoral Commissioner for five items of electoral material. On election day, they may choose to hand out only three of those items.

Display of registered electoral material

All electoral material registered and approved by the Electoral Commissioner will be displayed on the NSW Electoral Commission website from 8am on the Monday prior to election day.

15.9. Posters

Posters displayed prior to regulated election period

Prior to the commencement of the regulated election period, i.e. the issue of the writ, neither the NSW Electoral Commission nor the Election Manager has any involvement in the regulation and display of posters.

However, councils may enforce their own regulations regarding the size and placement of posters.

Display of posters

A person must not, during the regulated election period, publically display or permit or cause to be publically displayed, a poster consisting of electoral material that contravenes the law – see section 15.4 Non-complying electoral material of this handbook.

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; or
- 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.

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*);
- 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.

Displaying posters without permission, including on power poles

The *Electoral Act 2017* prohibits the display of posters on or within premises without the consent of the owner or occupier. “Premises” includes any structure or building, so a person who attaches a poster to an electricity or other utility pole without the written consent of its owner is breaching the law.

Posters in contravention of the *Electoral Act 2017* within a voting centre or early voting centre, or within 6 metres of the entrance to a voting centre or early voting centre, may be removed and confiscated by the NSW Electoral Commission. In other places that an election poster has been displayed without consent (e.g. an electricity or other utility pole), it is a matter for the owner of the property to arrange its removal. The NSW Police may remove any poster in breach of the *Electoral Act 2017*.

Posters exempt from registration

Posters displayed on election day are exempt from registration, however posters must still meet the legislative requirements previously outlined in this handbook.

15.10. Early voting centres

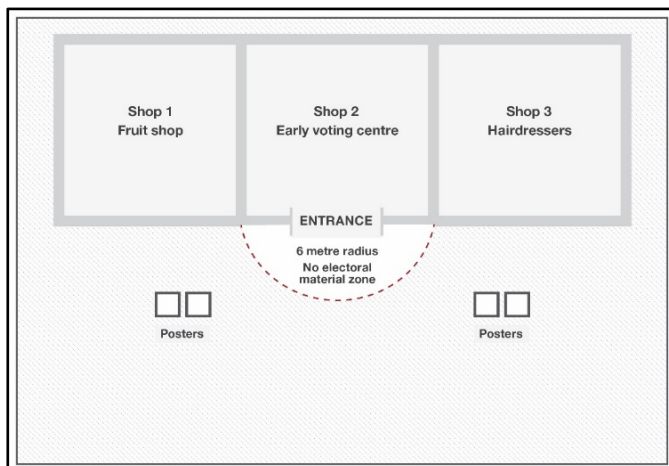
Electoral material may be handed out and posters displayed at early voting centres provided the material and/or posters meet the requirements of the legislation previously outlined in this handbook.

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

In addition, 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 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.

15.11. Declared facilities

Due to the COVID 19 pandemic, the NSW Electoral Commission will not be visiting Declared facilities. Declared facilities will be offered postal vote applications.

15.12. Election day

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 requirements of the legislation previously outlined in this handbook.

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.

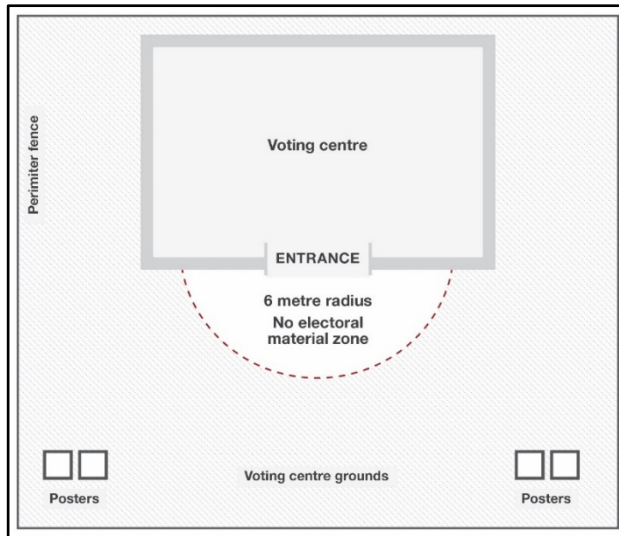
Using tape or some other landmark, such as a tree, post or line across a path, the Voting Centre Manager will establish and mark out a place that is six metres from the entrance to the voting centre.

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.



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.

15.13. Recycling of electoral material

Party and/or candidate workers or scrutineers are not permitted to enter an early voting centre or a voting centre to retrieve electoral material which has been placed in rubbish bins.

Similarly, election officials will not go through rubbish bins to retrieve electoral material. The rubbish bin may contain sharp objects or may contain ballot papers that electors have erroneously placed in the bin.

Party and/or candidate workers may request electors to return the electoral material to them as they exit the premises.

15.14. Electoral material enquiries and complaints

Where a claim is made that electoral material is being distributed, or a poster is being displayed, which does not comply with the legislation the complainant should either provide a copy of the electoral material in question, or take a photograph of the material/poster/advertisement in question and provide a copy to the Election Manager for the district.

After consultation with the NSW Electoral Commission head office the following course of action will be taken:

- if the material does not appear to breach legislation – advise the complainant that no action will be taken;
- if the material appears to breach legislation – advise the candidate, registered political party/other on whose behalf the material is being distributed or displayed that they must withdraw or remove the material immediately (the matter may be referred to the Funding, Disclosure and Compliance Division of the NSW Electoral Commission for investigation);
- contact the complainant and advise what action has been taken.

Section 16. Voting

16.1. Early Voting – voting prior to election day

A person who is unable to attend a voting centre on election day may cast a vote by either:

- applying for a postal vote; or
- attending an early voting centre; or
- where eligible, casting an iVote (technology assisted voting).

16.2. Early voting and postal voting eligibility (excluding iVote)

An elector is eligible to cast an early vote, including 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 the case of a woman, will, by approaching maternity, 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.
- believes that attending a voting centre on election day will pose a risk to the person's health or the safety of the person or any other person because of the COVID-19 pandemic (*for postal voting only*)

16.3. Postal voting

Postal vote application forms are available from:

- the NSW Electoral Commission's website elections.nsw.gov.au; or
- the elector enquiry centre telephone 1300 135 736.

Registered general postal voters

Certain electors can apply, with the Australian Electoral Commission, before the issue of the writ to be a registered general postal voter, which means that they will automatically receive their ballot papers without having to complete a postal vote application form.

Issue of postal vote ballot papers

The issuing of postal vote packs (ie: containing ballot papers and postal vote envelopes) will commence as soon as ballot papers are available following the close of nominations. It is estimated that postal ballot papers will be available only from the Monday, two weeks prior to election day.

Return of completed postal vote certificate envelopes

Postal vote certificate envelopes, containing completed postal vote ballot papers, must be signed by the elector and a witness prior to 6pm on election day.

They must be received by the following deadlines:

Delivery method	Deadline
Hand delivered to a voting centre	By 6pm on election day
Hand delivered to an Election Manager's office	To be received at the Election Manager's office no later than 6pm on the Wednesday following election day

Postal vote Scrutiny and Extraction

Scrutiny of postal vote certificate envelopes will commence from the Monday prior to election day. Scrutineers may be present for this activity.

Scrutiny will include examination of the postal certificate envelope and data entry of this information to determine if the ballot paper contained within the envelope are to be accepted or rejected to the count.

If accepted, election officials will remove the ballot paper from the postal certificate envelope and place the ballot paper in a ballot box without examining the vote on the ballot paper. The initial count of postal ballot papers will not commence until after 6pm on election day.

Section 17. Early voting

17.1. Early voting locations

Early voting will be available in each district within New South Wales as approved by Electoral Commissioner. An elector may vote at any early voting centre located within New South Wales.

Early voting is available in the two week period prior to election day. However, not all early voting centres will operate for the entire two week period. The details of the early voting centre locations and times of operation will be available from the Election Manager, at elections.nsw.gov.au or by calling 1300 135 736.

NSW electors who are interstate or overseas will be eligible to cast a vote using the iVote system.

17.2. Early voting in district

Electors casting an ordinary early vote within their enrolled district will need to make a verbal declaration and then cast an ordinary vote as they would in a voting centre on election day with ballot papers placed directly into the ballot boxes. That is, the elector is not required to complete a declaration envelope.

Declaration votes available at early voting locations

Enrolment/name not on roll and name already marked as voted declaration votes will be available at all early voting centres. Electors will be required to complete and sign a declaration envelope and place their ballot papers inside this envelope. Enrolment declaration votes will require the elector to provide either a NSW drivers licence or NSW photo card which shows their address within the district.

All declaration votes will undergo scrutiny following election day to determine that the elector is eligible to vote and the ballot papers are to be included in the count.

Section 18. iVote

18.1. What is the iVote system?

The iVote system is a form of electronic voting where eligible electors can vote using the internet or telephone. The iVote system is an alternative way of voting that is only available for State elections.

18.2. Eligibility

The iVote system is available to NSW electors:

- who are blind or have low vision;
- who have literacy needs and because of those needs is unable to vote without assistance;
- with a disability (within the meaning of the *Anti-Discrimination Act 1977*) and because of that disability has difficulty voting at a voting centre or is unable to vote without assistance;
- who are silent electors;
- who are a registered early voter (technology assisted voting);
- who live more than 20kms from a voting centre; or
- who will not throughout the hours of voting on election day be within the electoral district
- Electors will make a declaration, confirming the reason they are eligible to cast an iVote, at the time of application.

18.3. Apply to use the iVote system

Eligible electors can apply to use the iVote system up until 1pm on election day by:

- going to the NSW Electoral Commission website elections.nsw.gov.au or ivote.nsw.gov.au
- calling the Call Centre on 1300 2iVote (1300 24 86 83) or +61 2 9290 5287 (outside Australia).

Two credentials are used in the iVote process. The elector supplies a PIN/Password as part of their application. After applying, the NSW Electoral Commission sends an iVote number to the elector via their nominated method eg SMS or email.

Electors will be asked to provide secondary confirmation of their identity in the form of an Australian drivers licence, Australian Passport or Medicare number. The elector can also choose not to provide one of these in which case a letter will be sent to the elector's enrolled address.

If the elector loses or can't remember their PIN/Password or iVote number they can contact the iVote Call Centre for assistance.

18.4. Casting a vote using the iVote system

Electors need both the iVote number sent to them by the NSW Electoral Commission and the PIN/Password which they chose for themselves when applying to use iVote. The iVote number and PIN/Password are referred to collectively as the elector's 'credentials' which enable them to use iVote.

There are two ways electors can cast an iVote:

1. They can vote using any device with internet capability to access iVote. The elector is able to review their completed ballot papers before submitting; or
2. They can phone the iVote Call Centre where an operator will read out the ballot paper instructions, the candidate names as they appear on the ballot paper, and record the vote as instructed by the elector. Preferences are read back to the elector before submitting the vote.

18.5. Verifying an iVote

After submitting the vote, the elector can verify their vote has been recorded correctly:

- They can use the verificationApp (Android or Apple) to scan a QR code shown on the screen after voting and enter their credentials to see their vote.

18.6. Interstate and overseas voting

NSW electors who will be outside New South Wales on election day, may apply for a postal vote or register to use the iVote system. No other voting services will be available in interstate electoral offices or overseas consulates or embassies.

Section 19. Declared facilities

Due to the COVID 19 pandemic the NSW Electoral Commission will not be visiting Declared facilities. Declared facilities will be offered postal vote applications.

Section 20. Election day

Voting centres will be open on election day from 8am until 6pm.

20.1. Voting in district

Electors casting a vote at a voting centre on election day located within their own enrolled district, or at other nominated voting centres located on district boundaries in neighbouring districts, are entitled to cast an ordinary vote.

Electors casting an ordinary vote will have their name marked off the authorised roll for their enrolled district and their ballot papers will be placed directly into the ballot boxes.

20.2. Voting outside the elector's district – absent declaration voting (if applicable)

Electors casting a vote at a voting centre on election day located outside their enrolled district are required to complete and sign an absent declaration envelope, with their ballot papers placed within this declaration envelope and placed in a declaration vote ballot box.

Note: In the case of a by-election absent declaration voting would only be possible if there was another State by-election being conducted within NSW on the same day.

20.3. Declaration voting

Declaration voting is where an elector is required to complete and sign a declaration vote envelope, with their ballot papers placed within this declaration envelope.

Declaration votes may be issued to electors who are voting 'in district' or 'out of district'.

Declaration voting is available at:

- early voting centres
- voting centres on election day.

The following table explains the different declaration vote categories.

Declaration vote	Explanation
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>* For these electors, a NSW driver licence or NSW photo card showing their address within the district must be provided</p>
Absent vote	Issued to an elector voting outside their enrolled district, (if applicable)
Name already marked as voted	Issued to an elector who has already been marked as having voted but claim not to have voted.

Section 21. Scrutiny of declaration votes

All declaration vote envelopes will be returned to the Election Manager's office for processing.

In order to accept declaration votes the following will occur:

- scrutiny, mark off against the roll (accept or reject), and opening of accepted declaration vote envelopes;
- initial count of Legislative Assembly ballot papers contained within accepted declaration vote envelopes;
- Legislative Assembly initial count declaration vote results displayed on the NSW Electoral Commission virtual tally room (VTR); and
- check count (data entry) of Legislative Assembly ballot papers contained within accepted declaration vote envelopes.

Section 22. Assistance to vote

Election staff will interact with electors who have additional needs and require assistance.

It is important to be sensitive to the needs of electors. Be mindful of the language and questioning you use to determine the type of assistance required.

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

- older people
- people with disability
- Aboriginal electors
- culturally and linguistically diverse electors
- electors under a religious obligation not to mark an electoral paper

22.1. Assistance completing ballot papers

An elector can request assistance with voting from a person of their own choice. The person providing assistance may accompany the elector to a voting screen and complete, fold and place the ballot paper(s) in the ballot box(es) on the elector's behalf.

- If the elector is assisted by a member of the public (e.g. friend or family member), the elector may request a third person act as a witness.
- If the elector is assisted by the Voting Centre Manager (or their delegate), it is essential that a third person act as a witness.

A scrutineer is not permitted to assist the elector, though may act as a witness when an elector is receiving assistance from an election official.

22.2. Resources

Maxi-pens and magnifying sheets

All polling places 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 have an accessible voting screen. This is for use by electors who use a wheelchair or have mobility issues.

Bilingual election staff

Wherever possible, polling places will be staffed with employees that have the language skills to service the electors of the community. Each polling place 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

If you are experiencing difficulties communicating with an elector, and there are no election officials with appropriate language skills you should contact the Translating and Interpreting Service. The service allows electors to access interpreters speaking more than 160 different languages and dialects.

The Voting Centre Manager is expected to use their mobile phone to contact the Translating and Interpreting Service.

- Phone Number: 131 450
NSW Electoral Commission Client Number: C171264

Australian sign language interpreting service

Auslan interpreters will be available to assist electors who are Deaf.

Electors will be able to connect with an interpreter provided by the NSW Electoral Commission. Ask the elector to make a Skype call on their device to connect to an Auslan interpreter.

- Skype contact: NSWelections Auslan

22.3. Electors who are unable to sign their name

If an election official is satisfied that an elector is unable to sign a declaration envelope without assistance, the elector may appoint a member of the public or election official to sign on their behalf.

22.4. Supporting information

Providing services to Aboriginal electors

Australia has two Indigenous peoples that are ethnically and culturally very different – Aboriginal and Torres Strait Islander people.

The right to vote was not extended to all Aboriginal and Torres Strait Islander people until after 1962. In 1984 compulsory voting and enrolment for Aboriginal and Torres Strait Islander people came into effect.

Aboriginal people are very diverse; each group has their own language, tradition and beliefs.

Aboriginal protocols, traditions and cultural practices form the basis of cultural communication. Moreover, these protocols, traditions and cultural practices are geographic and historical. In some instances, differences can exist within the same town. It is important to obtain an understanding of local cultural practices in order to engage Aboriginal electors.

When working with Aboriginal people, in addition to adhering to general rules of polite communication such as open posture, attentiveness and active listening, other aspects of communication style or interaction should be taken into consideration.

Be sensitive to behaviours which form a natural part of Aboriginal communication patterns such as non-verbal cues, silence and indirect eye contact.

Providing services to people with disability

Around one in five people in NSW have a disability. People with disability lead everyday lives.

There are many different types of disabilities, including physical impairments, vision impairments, hearing impairments, intellectual disabilities, brain injury, psychiatric disorders and psychological disability.

Language is important. Person First Language places the person first rather than the disability or impairment. For example, saying ‘a person with schizophrenia’ rather ‘a schizophrenic’ acknowledges that the disability is not as important as the person’s individuality or humanity.

- Avoid telling an individual that you admire their courage or determination.
- Never stare at or avoid looking at a physical disability.
- Be aware that some disabilities may not be readily apparent.
- Avoid expressing sympathy for the individual or presume that they are more fragile or sensitive than others.

22.5. Providing services to culturally and linguistically diverse electors

Australia is a culturally and linguistically diverse country. Many citizens are born overseas or originate from non-English speaking backgrounds.

It is important to understand that the culturally and linguistically diverse community is not a homogenous group. Members of the culturally and linguistically diverse community have different and unique characteristics. These include languages spoken, religious and spiritual beliefs, literacy and numeracy needs, communication styles and perspectives on life.

An individual’s background, culture, customs and beliefs can impact on their experience when voting. For example, voters may come from countries where they associate elections with corruption or violence and may therefore distrust or be suspicious of government processes.

It is important not to stereotype and assume that all people from the same culture share the same customs, beliefs and preferences.

- Suspend judgement
 - Show understanding, respect, courtesy and empathy
 - Try to see the world from the perspective of the other person
 - Learn about the prominent language groups in your area
 - Be aware of any perceived power imbalance because of your role as an election official
-

Section 23. Legislative Assembly: voting and counting

23.1. 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.

General formality rules

There are strict rules governing when a ballot paper is formal and when a ballot paper is informal.

- An elector must vote for at least one candidate. The elector may choose to show further preferences if they wish.
- Ballot papers should be read and construed as a whole, with one or more poorly formed numbers to be deciphered in the context of a consecutive series of numbers rather than as single numbers in isolation.
- A poorly formed number must bear a reasonable resemblance to an identifiable number.
- Numbers written in words in English are acceptable ie 'one' is counted as '1', 'two' is counted as '2', 'three' is counted as '3', etc.
- Roman numerals are acceptable ie 'I' is counted as '1', 'II' is counted as '2', 'III' is counted as '3', 'iv' is counted as '4', 'v' is counted as '5', 'vi' is counted as '6', 'vii' is counted as '7', 'viii' is counted as '8', 'ix' is counted '9', 'x' is counted as '10' etc. An 'x' is considered a roman numeral and counted as 10 only if there is a sequence of other roman numerals on the ballot paper.
- A number, tick ✓ or cross X may be in the square or outside but adjacent to the square, or at the end of the candidate's name.
- A ballot paper will still be sorted according to the sorting rules described in this manual, even if it has not been initialled by an election official as long as the prescribed official mark (ie the arms of the State enclosed within a fastened oval belt which bears the words 'Electoral Commission' and across the lower half of which is superimposed a banner bearing the words 'New South Wales') is visible.
- If the prescribed official mark is not visible, the ballot paper must have been initialled by the election official or the ballot paper is considered informal.
- Unconventional but recognisable numbers such as continental 1 and 2 are acceptable.
- If a person's name is written on a ballot paper, the name will be checked on the electoral roll for the district. If that name is found on the electoral roll for the district, the ballot paper is considered informal. If the name is not found on the electoral roll for the district the ballot paper will be sorted according to the sorting rules described in this manual.
- Any drawings, comments ie *Donald Duck*, etc. should be ignored.

Formal ballot papers

- The number '1' appears once only, in or adjacent to a square or at the end of the candidate's name. The elector may choose to show further preferences if they wish.
- Where a single tick ✓ or single cross X appears on its own it is read as a 1.
- Where the number '1' appears only once, the ballot paper is still formal even if there is a repeat or break in subsequent preferences.
- Where there is a single 1 or a single tick ✓ in one square and 2 or more crosses or 2 or more lines in or through other squares the crosses or lines are disregarded and the tick ✓ is regarded as the number '1'.

Informal ballot papers

- The number '1' appears more than once.
- Where the number '1' appears with a single tick ✓ eg '1, ✓' or a single cross X eg '1, X', the ballot paper is informal as the '1' does not take precedence over a single tick ✓ or cross X.
- Where a tick ✓ or cross X appears with numbers other than '1', the tick ✓ or cross X are not read as a '1' eg '✓, 2, 3, 4'.
- Where a tick ✓ appears with a single cross X, the tick ✓ or cross X are not read as a '1' eg '✓, X'.

23.2. 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.

It should be noted that the ballot paper instructions direct electors to use numbers.

Under legislation a tick '✓' and a cross 'X' are treated as formal votes in certain circumstances, however it is forbidden to promote the use of a tick '✓' or a cross 'X' for voting. Any electoral material (how-to-vote cards) that instruct electors to vote using a tick '✓' or a 'X' would be illegal.

Formality guide - Legislative Assembly

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

2 KWON Lee
ORANGE PARTY *John Cootes*
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

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

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

COLL Matt
RED PARTY

SIMON John
GREEN PARTY

JONES Jane
YELLOW PARTY

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.

23.3. Legislative Assembly counts

Legislative Assembly ballot papers will undergo the following counts:

- initial first preference count (manual count),
- initial two-candidates preferred (TCP) count (manual count),
- check count, ie the official count (a combination of manual check count and data entry process using the NSW Electoral Commission's computer count system),
- distribution of preferences to determine the elected candidate (conducted within the NSW Electoral Commission's computer count system).

It should be noted that the check count is the official count where final formality is ascertained. At the completion of the check count, the distribution of preferences is conducted to determine the elected candidate in each Legislative Assembly district.

The following table is a guide to the timing and locations of the Legislative Assembly counts. Please note this timetable may be subject to change.

Location and timing of counts	Initial count of the following Legislative Assembly (LA) ballot paper types
Voting centres from 6pm Election night	<ul style="list-style-type: none"> • Voting centre ordinary ballot papers – LA first preference count • Voting centre ordinary ballot papers – LA TCP count
Election Manager's office from 6pm Election night (and may continue up to Monday, following Election day)	<ul style="list-style-type: none"> • Early voting centres ordinary ballot papers – LA first preference count • Early voting centres ordinary ballot papers- LA TCP count.
Election Manager's office from Election Monday and will continue up to Wednesday following Election day.	<ul style="list-style-type: none"> • Postal – LA first preference count • Postal – LA TCP count • Absent (if applicable), Enrolment and Name Already Marked as Voted (NAMAV) – LA first preference count.
NSW Electoral Commission head office from 6pm, Election night.	<ul style="list-style-type: none"> • iVote – LA first preference count • iVote– LA TCP count <p>the iVotes will be imported directly from the iVote system into the NSWEC Election Management Application (EMA) and published directly to the NSWEC results website.</p>

Location and timing of counts	Check count and data entry of the following ballot paper types
Election Manager's office from Sunday, following Election day until Wednesday following Election day	<ul style="list-style-type: none"> • Voting centre ordinary ballot papers • Early voting centres ordinary ballot papers
Election Manager's office from Monday, following Election day until Thursday following Election day	<ul style="list-style-type: none"> • Absent (if applicable) • Postal

Location and timing of counts	Check count and data entry of the following ballot paper types
	<ul style="list-style-type: none"> • Enrolment • NAMAV
NSW Electoral Commission head office Monday following Election day	<ul style="list-style-type: none"> • the iVotes will be imported directly from the iVote system into the NSWEC computer count system and published directly to the NSWEC results website.

Location and timing	Distribution of preferences (DoP)
Election Manager's office Friday following Election day	<ul style="list-style-type: none"> • DoP to determine the elected candidate

23.4. Two-candidates preferred count (TCP)

A two-candidates preferred (TCP) count is conducted to give candidates, registered political parties, the public and the media an indication of the likely election outcome.

It is not the official distribution of preferences, which takes place in the Election Manager's office following the completion of the check count and data entry of ballot papers.

Prior to election day, the Electoral Commissioner selects the two candidates in the district who are likely to be the final two remaining candidates in the count following the distribution of preferences.

The TCP count is conducted by distributing all formal votes of the other candidates to the two selected TCP candidates according to which of the two selected TCP candidates receives the highest preference on each of the other candidates' ballot papers.

The TCP count is conducted as:

- one count per voting centre
- one count per early voting centre
- one count per absent, enrolment and name already marked as voted
- one count for iVote
- two counts for postals.*

*One first preference count and TCP postal count will be conducted following the first preference count of the postal ballot papers received as at Friday, prior to Election day. This is referred to as – Part 1 count.

A second first preference count and TCP postal count will be conducted following the first preference count of the postal ballot papers received between Friday prior to Election day and 6pm, Wednesday following Election day, the closing date for the receipt of postal vote declaration envelopes. This is referred to as Part 2 Count. The results from Count Part 1 and Part 2 will be aggregated and posted to the NSWEC results website. This will be the total of all postal ballot papers admitted to the count.

23.5. Two-candidates preferred analytics tool

The two candidates preferred (TCP) analytics tool is developed by the NSW Electoral Commission to allow 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
- iVote
- each declaration vote type

The two-candidates preferred analytics tool will be published on the NSW Electoral Commission website approximately two weeks after election day.

23.6. Two-candidates preferred count (TCP) scenarios

The following table illustrates the various scenarios that may apply to the TCP counts and reporting of the TCP count results.

TCP scenario 1	Reporting of TCP count results
TCP candidates selected correctly prior to election night	<ul style="list-style-type: none"> • TCP initial count reports will be available on election night for the district. • TCP check count reports will be available for the district when the check count commences from Election Sunday onwards. • The TCP Analytics Tool will be available following the distribution of preferences.
TCP scenario 2	Impact on reporting
TCP candidates selected incorrectly prior to election night	<ul style="list-style-type: none"> • TCP initial count reports will be suppressed on election night for the district. • TCP check count reports may be available for the district when the check count commences from Election Sunday onwards subject to selection of two new candidates. In some circumstances the Electoral Commissioner may not be able to identify the two TCP candidates due to the closeness of the result. • The TCP Analytics Tool will be available following the distribution of preferences.

TCP scenario 3	Impact on reporting
TCP candidates not selected prior to election night	<ul style="list-style-type: none"> • TCP initial count reports are not available on election night for the district as the Electoral Commissioner may not be able to identify two TCP candidates. • TCP check count reports may be available for the district when the check count commences from election Sunday onwards subject to selection of two new candidates. In some circumstances the Electoral Commissioner may not be able to identify the two TCP candidates due to the closeness of the result. • The TCP Analytics Tool will be available following the distribution of preferences.

23.7. 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 within the NSW Electoral Commission’s computer count system. The Election Manager presses the ‘start distribution of preferences count’ button in the computer count system. The computer count system determines formality based on the markings on the ballot papers data entered into the system and calculates the absolute majority. The computer count system determines which candidate is to be excluded (the lowest polling candidate in the count) and will redistribute their votes to the remaining candidates in the count. The distribution of preferences will take less than five minutes to complete.

Candidates, scrutineers, media and other interested parties are entitled to be present to witness the distribution of preferences in the Election Manager’s office. It takes few minutes for the count to complete after the Returning Officer presses the button to run the count in the NSWEC computer count system.

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

23.8. Legislative Assembly distribution of preferences example

Following is an example of how a distribution of preferences works for the Legislative Assembly.

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

23.9. Legislative Assembly results on the NSW Electoral Commission results website

As the initial first preference and two-candidates preferred Legislative Assembly counts are conducted from 6pm election night onwards, the results will be displayed on the NSW Electoral Commission website at 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 NSWEC website as the initial counts progress for early voting, postal and declaration votes in the week after election day.

Check count first preference figures will be displayed progressively on the NSWEC website during the week after election day. It is these check count figures which are the final official count of figures.

23.10. 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:

- first preference results
- two-candidates preferred results
- distribution of preferences results

23.11. Recounts

At any time before the declaration of an election result, the Electoral Commissioner may, if he sees fit, on the request of any candidate in the election which sets out the reasons for the request, or on the Electoral Commissioner's own motion, recount the ballot papers.

23.12. Declaration of election result

Following the completion of the distribution of preferences, the Electoral Commissioner will declare the result of the election.

23.13. Return of the writ

The Electoral Commissioner will endorse the name of the successful candidate on the writ for the electoral district and will return the writ to the Speaker of the NSW Parliament.

23.14. 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 24. Scrutineers

24.1. 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.

24.2. 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.

24.3. Who appoints scrutineers

Scrutineers may be appointed by:

- a registered political party;
- each Legislative Assembly candidate for the district.

24.4. Who can and cannot be appointed a scrutineer

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

24.5. 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 a NSW Electoral Commission head office staff member, as appropriate; and
- signed by the scrutineer on each subsequent day that they are in attendance.

24.6. What scrutineers can do

Scrutineers can:

- inspect ballot boxes before the commencement of voting;
- be present when an elector who required 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 both postal vote declaration vote envelopes and other declaration vote envelopes;
- observe the opening and extraction of ballot papers from postal vote declaration vote envelopes, and other declaration vote envelopes;
- observe all ballot paper counting, both manual and data entry (as applicable), in a voting centre, or the Election Manager's office 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, or Election Manager's office at any time and be replaced by another properly appointed scrutineer.

24.7. What scrutineers cannot do

Scrutineers cannot:

- interfere with, or attempt to influence, any elector within a voting centre or early voting centre;
- distribute electoral material when accompanying election officials on declared facility visits;
- obstruct the access or approaches to a voting centre or early voting centre;
- ignore lawful directions of the Election Manager, election official or NSW Electoral Commission head office staff;
- communicate with any person in a voting centre or early voting centre except as is necessary in the discharge of their duties;
- handle or touch ballot papers or declaration envelopes.

24.8. 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, or Election Manager's office.

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.

24.9. Attendance of scrutineers

Scrutineers 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	*One per candidate per counting point
	LA data entry process	*One per candidate per counting point
	Scrutiny and extraction of postal votes; Monday prior to election day onwards	*One per candidate per counting point
	Scrutiny and extraction of declaration votes; Election day onwards	*One per candidate per counting point
Early voting centres	Issuing early votes	One per candidate
Voting centres	Issuing ordinary votes between 8am – 6pm	One per candidate
	Issuing declaration votes between 8am – 6pm	One per candidate
	Observe counting of votes after 6pm	*One per candidate per counting point
iVote	iVote Logic and Accuracy testing	One per candidate
	Witness the opening of the virtual ballot box during the Decryption Ceremony on election night	One per candidate

*A counting point, or scrutiny point, might include one, two or more election officials

Section 25. Party and/or candidate workers

25.1. 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 prior to 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, prior to undertaking their duties as a scrutineer, using the **Scrutineer appointment form SE.213**.

Candidates and registered political parties should refer to Section 15 '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 26. Public funding of election campaigns

Candidates for State by-elections may be eligible to be reimbursed for certain electoral expenditure incurred in connection with a by-election.

Candidates should understand the entitlements they may have to claim a reimbursement of electoral expenditure incurred as set out in the *Electoral Funding Act 2018* and the Electoral Funding Regulation 2018.

This section provides an overview of the public funding of election campaigns of candidates.

Details of the claims made and the amounts paid to eligible candidates are published in the NSW Electoral Commission's annual report to Parliament and on its website.

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

26.1. What is the Election Campaigns Fund?

The Election Campaigns Fund is the fund kept by the NSW Electoral Commission for each State by-election to reimburse eligible candidates for electoral expenditure incurred in connection with the by-election.

In relation to the public funding of election campaigns for a State by-election 'electoral expenditure' means electoral expenditure incurred during the capped expenditure period for the by-election (issue of the writ to election day) that is within the candidate's applicable expenditure cap.

Payments are made by the NSW Electoral Commission from the fund into the campaign account of an eligible candidate or the party's State campaign account in the case of a candidate who is a member of a registered party.

26.2. What is the eligibility criteria for a candidate?

A nominated candidate is eligible for payments from the Election Campaigns Fund in respect of a State by-election if:

- the candidate is registered in the Register of Candidates for the election on the election day for the election, and
- the candidate is elected, or the total number of first preference votes received by the candidate is at least 4% of the total number of first preference votes in the electoral district in which the candidate was duly nominated for election.

26.3. What is the amount of public funding available to an eligible candidate?

The amount payable from the Election Campaigns Fund to an eligible candidate is determined following the by-election. As a guide the following applies:

- \$4.66 for each first preference vote received by the candidate in the election, or
- the total amount of the actual campaign expenditure of the candidate, whichever is the lesser.

Electoral expenditure of the candidate does not include electoral expenditure of the party. If a party wishes to claim electoral expenditure, the party must invoice the candidate for electoral expenditure incurred by the party (whether or not the candidate has a legal liability to pay the invoice). The expenditure that has been invoiced to the candidate may then be included in a claim for payment made by the candidate.

Section 27. Allegations and offences

All parties, candidates, their helpers and scrutineers, must comply with the *Electoral Act 2017* and the *Electoral Funding Act 2018*. Potential breaches are dealt with in accordance with the NSW Electoral Commission's compliance and enforcement policy and procedures.

27.1. Electoral offences

The NSW Electoral Commission is responsible for investigating and enforcing offences under the *Electoral Act 2017* and Regulation.

If you consider a breach of the Act or Regulation has occurred you may, in the first instance, refer the breach in writing to the Election Manager for the electoral district. The Election Manager will assess the allegation and endeavour to arrange for the breach to be remedied. If the breach has not been remedied with the assistance of the Election Manager the breach may be referred to the NSW Electoral Commission for a further review and possible investigation. Alternatively, the breach may be referred directly to the NSW Electoral Commission (refer to details under section 31.2).

The display or distribution of electoral material is only regulated during the regulated election period (i.e. from the issue of the writ to 6pm on election day). Breaches outside this period are not regulated and will not be investigated or addressed.

Examples of breaches under the *Electoral Act 2017* 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 NSW 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,
- interference with the iVote system,
- failure of an elector to vote,
- impersonation of an elector, or voting more than once at an election.

27.2. Electoral funding offences

The NSW Electoral Commission is responsible for investigating and enforcing offences under the *Electoral Funding Act 2018* and Regulation.

If you consider a breach of the electoral funding laws has occurred you may refer the breach in writing to the Funding, Disclosure and Compliance Division of the NSW Electoral Commission (Email: fdc@elections.nsw.gov.au or Mail: GPO Box 4046, Sydney NSW 2001).

Examples of breaches covered under the *Electoral Funding Act 2018* and Regulation include:

- candidate, or group not registered for the election before accepting donations or incurring electoral expenditure,
- third-party campaigner not registered before incurring \$2,000 in electoral expenditure 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 a campaign account as required,
- payment of electoral expenditure from an account other than a 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.

