Information for candidates

HOUSE OF ASSEMBLY ELECTIONS
Message to all candidates

The Tasmanian Electoral Commission (TEC) has produced this handbook to assist you at the upcoming House of Assembly (State) elections.

It outlines the stages of the election process which are relevant to candidates, as well as other electoral information such as advertising requirements.

The role of the TEC is to conduct House of Assembly elections in accordance with the Electoral Act 2004.

Candidates also have responsibilities under the Act, and candidates should inform themselves by reading this handbook and referring to the relevant provisions of the Electoral Act 2004.

If you have a query about nominating or campaigning that you can’t find the answer to in this handbook, please feel free to contact the office of the TEC.

Returning officers and staff of the TEC are happy to assist wherever possible, but please note that they are not able to provide legal advice.

Any legal queries or legal interpretation of the relevant legislation should be sought from your own legal advisers.

Please ensure that all electoral advertising and campaigning complies with both the letter and spirit of the Electoral Act 2004.

For key election dates, and up to date information throughout the election period including polling places and media releases, please refer to our website www.tec.tas.gov.au

Andrew Hawkey
Tasmanian Electoral Commissioner
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Introduction

This booklet contains references to sections of the Electoral Act 2004 for the purpose of assisting candidates. Unless otherwise specified section references in subject headings are from the Electoral Act 2004.

Please note that the booklet has no legal status and should not be substituted for the Act itself.

The word candidate is used in a general sense in this booklet to mean either ‘intending candidate’ or a ‘candidate’ as defined in the Electoral Act 2004.

The Tasmanian Electoral Commission (TEC) has the statutory responsibility to approve various electoral forms and procedures required under the Act. Approved forms and procedures referred to in this guide are available from the TEC website.

Further copies of this booklet, maps of the House of Assembly divisions and previous election results and reports, can also be downloaded from the website.

The House of Assembly electoral boundaries can be viewed as a layer on the Land Information System Tasmania (www.thelist.tas.gov.au) using the LISTmap website.

The following sources of information may also assist candidates:

- Commonwealth legislation such as the Commonwealth Broadcasting Services Act 1992 can be accessed at www.austlii.edu.com.au.
- To confirm your enrolment information visit the Australian Electoral Commission website at www.aec.gov.au.
- The Parliament of Tasmania website can be accessed at www.parliament.tas.gov.au

The TEC holds no responsibility for the contents or availability of external websites.

References to other sources of information contained within this booklet are provided in good faith and are accurate at the time of publication.

Please note, the TEC, returning officers and staff are not able to provide legal advice.
House of Assembly divisions, returning officers & polling places

House of Assembly divisions

There are five House of Assembly divisions: Bass, Braddon, Denison, Franklin and Lyons.

These divisions have the same boundaries as the five Commonwealth House of Representatives divisions for Tasmania.

A House of Assembly term expires four years from the return of the previous election writs, but it can be dissolved earlier. Once the House of Assembly is dissolved or its term expires, the Governor will issue writs for a state election.

There are 25 members of the House of Assembly, with five members elected for each of the divisions using the Hare-Clark voting system of multi-member proportional representation. A summary of Hare Clark appears later in this handbook.

Returning officers

A returning officer is responsible for overseeing a House of Assembly election in a division.

Returning officers are appointed by the TEC under the Electoral Act 2004.

The names and contact details for the returning officer for a particular division will be made available on the TEC website after an election is announced.

Polling places

A polling place is a place appointed by the TEC at which electors may vote. It may be an ordinary polling place, a pre-poll polling place or a mobile polling place.

Polling places are located in community and town halls, school buildings and sometimes at the office of the returning officer.

While the names of polling places reflect their locations, the exact addresses cannot be confirmed until all locations are confirmed at a later stage of the election period.

Full addresses will be published in each of the three daily Tasmanian newspapers close to polling day and on the TEC website. These lists will indicate which polling places have access for disabled electors.
The writ

What is the writ?

The writ is a document which commands an electoral officer to hold an election and specifies the dates for the close of nominations, polling day, and the return of the writ for that election.

House of Assembly elections commence with the proclamation dissolving the Assembly and conclude with the return of the writ.

The Governor issues five writs for a House of Assembly general election. Each writ is directed to the returning officer for the House of Assembly division concerned.

Election timetable (House of Assembly)

Proclamation dissolving the Assembly published in the Gazette or expiry of the Assembly term of election

Issue of the writ (Taken to be issued at 6 pm)

Close of electoral rolls (6 pm on the day of the issue of the writ)

Close of nominations (noon)

Announcement of candidates (noon)

Polling day (8 am - 6 pm)

Return of writ

*This period allows electors time to enrol or update their enrolment. All enrolment changes must be received by the Australian Electoral Commission before the close of rolls (faxes and emailed images can be accepted).
TEC public awareness campaign

The TEC will be conducting a public awareness campaign during the House of Assembly election period, using the slogan

YOUR VOTE IS BINDER THAN YOU THINK.

Election information will be advertised on television, radio, newspapers and online. The TEC expands its electoral awareness message online via:

- www.tec.tas.gov.au
- ElectionTas app
- facebook.electiontas

The ElectionsTas app contains valuable information including:

- my nearest polling place;
- lists of candidates for each division.

Electors are invited to register for the TEC’s Vote Alert service, which will send regular reminders to subscribers, including a message at 3pm on polling day.

PLEASE NOTE:

The TEC does not allow reproductions of the TEC public awareness campaign in any electoral advertising by external individuals or groups.
Nomination

How to nominate & nomination forms sections 75, 76 & 77

To nominate for election, an approved nomination form must be completed and lodged, posted, emailed or sent by facsimile to the returning officer for the division or, in the case of a party nomination, the returning officer or the Electoral Commissioner.

The nomination form for House of Assembly elections will vary according to whether a candidate is:

- a non-party candidate;
- a party candidate; or
- a candidate who wishes to appear in a group (not under a heading of a registered party).

**Candidate responsible for their nomination:**

It is the responsibility of the candidate to ensure that the nomination form and the deposit are received by the returning officer (or the Commissioner for party nominations only) before the close of nominations.

**Non-party candidate**

A valid nomination for an individual non-party candidate requires:

- the candidate’s details, signature and a statement of consent of the candidate;
- the details and signatures of at least 10 electors who support the candidate’s nomination.

The candidate is also required to complete and sign a declaration on the nomination forms that:

- he/she is qualified to be elected as a member of the House of Assembly (see below); and
- he/she is not disqualified from being elected under the Constitution Act 1934.

The nomination form must be completed and lodged (accompanied by the $400 deposit) with the appropriate returning officer after the issue of the writ and **before noon** on nomination day.

The deposit must be in legal tender or in a cheque drawn by an authorised deposit-taking institution or other financial institution on itself.
Candidate, or group of candidates, nominated by a registered party

A valid nomination for a candidate, or group of candidates, nominated by a registered party requires:

- the details, signature and a statement of consent of each candidate;
- a statement by the registered officer of the political party that each candidate has been endorsed by the party and signed by the registered officer as nominator.

Each candidate is also required to complete and sign a declaration on the nomination forms that:

- he/she is qualified to be elected as a member of the House of Assembly (see below); and
- he/she is not disqualified from being elected under the Constitution Act 1934.

The party nomination form must be completed and lodged (accompanied by the $400 deposit for each candidate) with the appropriate returning officer or the Commissioner after the issue of the writ and before noon on nomination day.

The deposit must be in legal tender or in a cheque drawn by an authorised deposit-taking institution or other financial institution on itself.

Group candidate(s)

A valid nomination for one or more candidates to appear in a group not under a heading of a registered party requires:

- at least 100 nominators (electors within the division);
- the details, signature and a statement of consent of each candidate;

The candidate is also required to complete and sign a declaration on the nomination forms that:

- he/she is qualified to be elected as a member of the House of Assembly (see below); and
- he/she is not disqualified from being elected under the Constitution Act 1934.
- The nomination form must be completed and lodged (accompanied by the $400 deposit for each candidate) with the appropriate returning officer after the issue of the writ and before noon on nomination day.

The deposit must be in legal tender or in a cheque drawn by an authorised deposit-taking institution or other financial institution on itself.

Nomination forms:
are available from the TEC or at www.tec.tas.gov.au

No personal cheques:
Please note that personal cheques are not acceptable payment of the deposit.
Qualifications of members  

Constitution Act 1934, section 14

To be elected as a Member a person —

- must be an elector, or be entitled to have his/her name placed on the roll for a House of Assembly division; and
- must have:
  - resided in Tasmania for 5 years at any one time; or
  - resided in Tasmania for 2 years immediately preceding his/her nomination.

Persons ineligible for nomination  

section 76

A person is ineligible to be nominated as a candidate for an Assembly election if he or she is:

- a member of the Legislative Council; or
- a candidate for election in another division of either House for which the writ has not been returned; or
- a member of the Parliament of the Commonwealth.

Nominations invalid due to change of name  

section 84 & 85

The TEC may determine that a nomination for an Assembly election is invalid on the ground that the candidate has changed his or her name to a name which —

- is a party name; or so nearly resembles a party name that it is likely to be confused with, or mistaken for, a party name; or
- includes the word “independent” or a word of similar import; or
- is the name of a public body; or so nearly resembles the name of a public body that it is likely to be confused with, or mistaken for, the name of the public body; or
- is obscene or offensive.

The TEC may also determine that a nomination in respect of a person as a candidate for an Assembly election is invalid on the ground that the person has changed his or her name to a name which the TEC considers could cause confusion.

If the TEC determines that a nomination is invalid on a ground mentioned above it must advise the person of the reasons and of any right to appeal to the Supreme Court under section 85.

A person aggrieved by such a determination may appeal to the Supreme Court in accordance with section 85, provided that their nomination was received before 5 pm on the fourth business day before nomination day.
Candidate's consent to be nominated

Candidates should indicate their consent to be nominated where provided on the nomination form.

If a candidate is unable to indicate consent on the actual nomination form, the returning officer may accept consent in another approved method.

Deposit and refund of $400

As mentioned in "How to nominate & nomination forms", each nomination must include a deposit of $400. The returning officer will refund the sum if the nominated candidate has:

- been elected;
- not been elected but, at any stage of the scrutiny obtained a number of votes which is not less than 20% of a quota;
- withdrawn his/her nomination as a candidate as provided by section 83; or
- died before polling day.

If an election fails, the deposit will be returned to the candidate.

Withdrawal of nomination

A candidate may withdraw his/her nomination by notice signed by the candidate and lodged with the returning officer (or Commissioner where appropriate) before noon on nomination day.

A 'party candidate' must also provide a signed statement by the registered officer of the party that he or she consents to the withdrawal of the nomination.

A 'group candidate' must also provide a signed statement from each other candidate nominated in the group, that he or she consents to the withdrawal of the nomination.
Close of nominations

sections 3, 67(1)(a), 73(1)(a) & 77

The "nomination day" is the day fixed in the writ, on or before which candidates for election are to be nominated as required by the Electoral Act 2004.

Nominations must be received by the returning officer (or Commissioner where appropriate) before noon on nomination day.

Announcement of candidates

section 87

At noon on the day after nomination day, the returning officer will make public all nomination forms that have been endorsed as accepted and publicly announce the names of the candidates.

Draws for positions on ballot paper

section 89(2)

As soon as practicable after the announcement of candidates, the returning officer is to conduct:

- a draw to determine the columns in which each party/group will appear on all division ballot papers; and
- draws to determine the positions of candidates within each column on the first rotation of division ballot papers.

Holders of an office of profit under the Crown, State public servants & Government contractors

Constitution Act 1934 (sections 32 & 34), and others


Candidates are strongly advised to seek their own legal advice concerning their particular situation.

Electoral rolls

sections 40(6), 41(1) & 166

Following a request from a candidate on the approved form, a printed copy of the electoral roll (as at the close of rolls) will be provided to the candidate by the returning officer.

Please note that it can take 3-4 days after the close of rolls for printed rolls to be prepared and distributed.

Section 41(1) provides that a candidate may only use the roll for a purpose connected with an election or referendum, or monitoring the accuracy of information on the roll.

Section 166 provides that it is an offence to use, without reasonable excuse, information from a roll provided under section 40, except for a purpose permitted under section 41.
Death of a candidate at election section 90 & 86(3)

If a candidate dies:

- before noon on nomination day, nominations may be lodged until noon on the day after nomination day and candidates are to be announced as soon as practicable thereafter;

- after noon on nomination day and before polling day, and there are more than 5 candidates remaining, the election is to proceed and the votes cast for the deceased candidate are to be counted as votes cast for the candidate next in order of the elector’s preference.

- on or after polling day, the count for the election is to be conducted, and if the deceased candidate receives sufficient votes to be elected, a vacancy is taken to have occurred.

If a candidate dies before polling day, the nomination deposit will be refunded to the candidate's personal representatives.
Advertising

Campaign material to be authorised sections 4, 190 & 191

Between the issue of the writ for an election and the close of poll for that election:

- any electoral matter that is printed, published, kept on display or distributed must have the name and address of the responsible person printed at the end in legible characters; and

- any electoral matter which is published on the internet must also have the name and address of the responsible person appearing at the end.

‘Electoral matter’ is defined in section 4 of the Electoral Act 2004.

‘Address’ is defined in section 190 as the address, other than a post office box or an electronic address—

(a) at which the person resides; or

(b) at or through which the person can be readily contacted.

‘Responsible person’ means the person who is taking responsibility for causing electoral matter to be printed, published or distributed.

Post office box addresses or electronic addresses are not permitted for authorisation of electoral matter.

Authorisation:
If you are unsure whether a particular item requires authorisation, it is advisable to authorise it to avoid committing an offence under the Act.

Examples of suitable authorisations

Authorised by: John Citizen, 1 Long Road, Hobart or

Authorised by: John Citizen, Parliament House, Hobart

Electoral matter on the internet

Under section 191(1)(b) of the Electoral Act 2004, all electoral matter published on the internet between the issue of the writ for an election and the close of poll at that election must contain the name and address of the responsible person at the end.

The Electoral Commissioner recommends that candidates and other persons with websites (including ‘Facebook’ pages) containing electoral matter should ensure that the name and address of the responsible person appears on each page.

For example, an appropriate place to include authorisation on a website would be on a footer, or on ‘Facebook’ at the end of a post that contains electoral matter.
Consent required to use candidate name, photograph or likeness

section 196

Between the issue of the writ for an election and the close of poll, it is an offence to print, publish or distribute any advertisement, “how to vote” card, handbill, pamphlet, poster or notice which contains the name, photograph or a likeness of a candidate or intending candidate at that election without the written consent of the candidate.

Authorisation not required on specific items

sections 192, 193, & 194

Electoral matter does not require authorisation if it is printed on—

(a) an item of clothing, lapel button or lapel badge; or
(b) a pen, pencil or balloon; or
(c) a business card or visiting card that promotes the candidacy of a person in an election; or
(d) a letter or card on which the name and address of the sender appears; or
(e) any other approved item.

Further, the requirement to authorise electoral matter may not apply to reportage and commentary in a newspaper or periodical, or a letter to the editor of a newspaper or periodical if particular information is provided – refer to sections 193 and 194 of the Act.

The word 'advertisement' to appear at top of paid advertisements or advertorials in newspapers and periodicals

section 195

If payment, reward or compensation is made, or is to be made for the insertion of an advertisement, article or paragraph published in a newspaper or periodical between the issue of the writ for an election and the close of poll at that election, the proprietor must cause the word ‘advertisement’ to be printed as a headline, in letters not smaller than 10 point.

Misleading and deceptive electoral matter

section 197

It is an offence to print, publish or distribute any printed electoral matter, or publish any electoral matter on the internet, or broadcast electoral matter on radio or television, that is intended to, is likely to or has the capacity to mislead or deceive an elector in, or in relation to, the recording his or her vote.

This section applies to the more mechanical aspects of obtaining and marking a ballot paper and depositing it in a ballot box and not to the formation of a judgment as to who to vote for. That is, the truth or otherwise of the material is not covered by this section.

How-to-vote material:

Voters should not be misled into only voting 1 and having their votes rejected as informal.

The requirements of a formal vote are discussed later in this handbook and under section 102(2) of the Act.
Radio and television advertisements

There are Commonwealth requirements in relation to radio or television advertising, but no additional restrictions in the Electoral Act 2004, except in relation to false information (see previous).

The Commonwealth Broadcasting Services Act 1992 provides that broadcast political advertisements must include certain ‘required particulars’. The Act can be found at www.austlii.edu.au

Queries concerning the Commonwealth provisions should be directed to Free TV Australia or Commercial Radio Australia through your local TV or radio station.

Alternatively contact the Australian Communications and Media Authority (ACMA).

Guidelines on the requirements under the Broadcasting Services Act 1992 in relation to broadcasting political matter are available from the ACMA website at www.acma.gov.au

Broadcasting blackout

The Commonwealth Broadcasting Services Act 1992 prohibits broadcasters from broadcasting political advertisements from midnight on the Wednesday prior to polling day, to the close of the polls.

This does not prohibit news coverage of the election, discussion of political issues, or interviews with candidates.

Use of published materials without permission

Reproduction of published materials (e.g. newspaper photos, headlines or articles) is likely to require the permission of the authors and publishers. Candidates should clarify the status of material with the publisher to avoid breaching the Commonwealth Copyright Act 1968.

Polling day restrictions on electoral matter

Additional restrictions relating to the distribution and publication of electoral matter apply for polling day.

It is an offence to distribute any advertisement, ‘how-to-vote’ card, handbill, pamphlet, poster, or notice containing any electoral matter on polling-day.

It is also an offence to publish or cause to be published in a newspaper:

- an advertisement for or on behalf of, or relating in any way to, a candidate or a party; or
- a matter or comment relating to a candidate or a question arising from, or an issue of, the election campaign.
Restrictions within 100 metres of a polling place

A person is not permitted to—

- canvass for votes; or
- solicit the vote of an elector; or
- induce or attempt to induce an elector not to vote for a particular candidate or particular candidates;

within 100 metres of a polling place.

Please note that legal advice on the interpretation of section 177 indicates that the 100 metre restriction does not apply to static signs in place before polling day. However, under section 198 it is an offence to distribute a poster on polling day, which would prevent the erection of signs on polling day.

Justices of the Peace

Candidates who are Justices of the Peace are advised to take note of the Attorney General’s current policy which states that—

The fact that a person is a justice of the peace should **not** be mentioned in or on any papers relating to the candidature of the justice in Federal, State or Local Government elections whether by the use of the letters “J.P.” or otherwise.

This has been interpreted to include all electoral campaign material.

Placement of posters

Electoral posters must be authorised, as mentioned above. Permission to display posters on private property must always be obtained from the owner of the land concerned.

Before placing posters on public property (eg. fences or trees) it is advisable to obtain permission from the responsible bodies such as local government (individual councils), the Department of State Growth etc.

Many Tasmanian councils have specific planning schemes and by-laws regulating the placement and size of election posters. Candidates are advised to check with their relevant councils prior to erecting posters.

**How-to-vote cards**, in any form, cannot be distributed on polling day.

**Electors using how-to-vote cards**: Electors may bring with them how-to-vote cards to assist them with their vote, but cards must not be displayed or left in a polling place where polling is taking place.
**Permission:**
Candidates considering affixing signs in public places or to vehicles should ensure they do not breach any council or police restrictions.

**Safety:**
Signs should not be placed in positions that could jeopardise public safety for example, near ‘stop’ signs, traffic lights, intersections or any other position where the visibility of road users could be obstructed.

### Offence to place electoral matter on electricity poles

If is an offence under section 109(1)(a) of the *Electricity Supply Industry Act 1995* to attach anything to a power pole without proper authority.

The penalty for an offence under this section is a fine not exceeding 50 penalty units for an individual or 100 penalty units for a body corporate.

Queries or complaints related to material being attached to electricity power poles should be directed to TasNetworks.

### Electronic billboards

It is an offence under section 78(1) of the *Traffic Act 1925* for a person to—

(a) place or leave an electronic billboard on a public street; or

(b) place or leave an electronic billboard in a public place if any occupant of any motor vehicle on any public street can, with the naked eye, read any words or make out any images being displayed by the electronic billboard.

Penalty: Fine not exceeding 20 penalty units.

Section 78(2)(a) provides that subsection 1(a) does not apply to electronic billboards that are—

(a) used for traffic management or road safety purposes by a road authority; or

(b) used for the purposes of a civil or other emergency by a statutory service within the meaning of the *Emergency Management Act 2006*; or

(c) placed or left on a public street with and in accordance with the written approval of the Transport Commission.

Further, Section 78(2)(b) provides subsection 1(b) does not apply to an electronic billboard that is placed or left in a public place by, or with the approval of, the owner or occupier of that public place.

Queries or complaints related to electronic billboards should be directed to the State Roads division of the Department of State Growth.
Electoral roadside signs

The Department of State Growth have produced the Tasmanian Roadside Signs Manual (June 2015). The manual contains the following information in relation to electoral signs—

*The erection or display of electoral advertising signs within State and Local Government Roads is prohibited. The provisions of Local Authority Planning Schemes and Bylaws make adequate provision for such advertising.*

(The Tasmanian Roadside Signs Manual can be accessed online at www.transport.tas.gov.au)

Queries or complaints related to roadside signs should be directed to the Department of State Growth.

Campaign items

Section 187A provides that inexpensive items up to the value of three fee units are excluded from the offence of electoral bribery. A fee unit for 2017-2018 is $1.55, so total cost of the item must not exceed $4.65.

Under section 188(A), inexpensive food, drink or entertainment, and gifts, donations and prizes up to the value of three fee units (again currently $4.65) are excluded from the offence of electoral treating.

Candidates are strongly advised to read these sections of the *Electoral Act 2004*. 
The ballot paper

Structure
section 97
The names of candidates will be listed in columns across the ballot paper, either under a registered party name, as a group or in a column of ungrouped candidates.

The order of party and group lists is determined by ballot. The ungrouped candidates are always listed in the final column.

Names of candidate
section 80, 84 & 99
Each candidate is identified on the ballot paper by his or her ballot paper name as specified on the nomination form.

The Commissioner may approve a ballot paper name, other than a form of the candidate's name, if satisfied that the person is commonly known by that name.

Where the names of 2 or more candidates are similar and are likely to cause confusion, the Commissioner may arrange the names with additional information so that each candidate can be distinguished.

Robson rotation
section 97, Schedule 3 & Regulations
The rotation of candidates’ names within each column on the ballot paper is determined by Robson rotation.

This system rotates the names of the candidates so that each name receives an equal share of each position in the column.

The returning officer will conduct a draw for each column to determine the random order of candidate names for the first rotation following the public announcement of the candidates.

Voting instructions
section 100
The Electoral Act 2004 requires that instructions on the ballot papers indicate that:

- the elector is to number the boxes from 1 to the number of candidates on the ballot paper (this instruction is shown at the top of the ballot paper); and
- the elector's vote will not count unless the elector numbers at least five boxes (this instruction is shown at the bottom of the ballot paper).

By following the instructions at the top of the ballot paper the elector can be assured that their vote will be fully counted. If an elector does not mark the minimum number of preferences as specified at the bottom of the ballot paper, their ballot paper will be declared informal.

Please consider campaign material carefully: "Vote 1 Jane Doe" could be misleading if a voter does not number the required number of boxes on the ballot paper.

Voting instructions:
All voters should be encouraged to read the instructions on the ballot paper carefully before casting their vote.
Methods of voting

Ordinary voting section 108
An ordinary vote is a vote cast at a polling place on polling day, where an elector’s name is marked off the election roll.

Out of division voting section 115 & 118
Electors can cast an ordinary vote at any polling place open on polling day in Tasmania. This has replaced absent voting.

Pre-poll voting sections 108 & 115
Electors unable to attend a polling place on polling day may vote at a pre-poll polling place.
For further information, check the TEC website, the TEC app or look for electoral advertising in the main daily newspapers.

Mobile voting sections 108 & 114
On or before polling day, a mobile polling team will visit appointed institutions, such as hospitals and nursing homes. After the announcement of candidates, returning officers can provide a list of these institutions and the dates and times mobile polling will take place.

Interstate voting section 132(a)
An elector who is interstate may record an interstate vote at a pre-poll polling place arranged by the Commissioner and provided by another electoral authority.

Polling place locations for ordinary, and pre-poll voting will be advertised in newspapers during the election, on the TEC website and on the TEC app.

Person not on roll or already marked off roll sections 116, 117 & 118
A person may request a ‘declaration vote’ if he or she claims to be entitled to vote and his or her name cannot be found on the roll, or the roll is marked and indicates that the person has already voted.

The elector completes and signs a declaration envelope and the ballot paper is enclosed in the envelope for sending to the returning officer. If the returning officer is satisfied that the elector is entitled to vote, the envelope will be opened and the ballot paper admitted to the count.
Postal voting

An elector may vote by post if he or she:

- expects to be unable to attend a polling place on polling day; or
- is a silent elector.

Postal vote applications can be obtained from electoral offices, Tasmanian post offices or www.tec.tas.gov.au.

Return of applications for postal votes:

Applications for a postal vote must reach a returning officer, or a person approved for the purpose, before—

- if the postal vote is sent within Australia — 6.00pm on the Thursday before polling day; or
- if the postal vote is sent outside Australia — 6.00pm on the Tuesday before polling day.

Recent changes to Australia Post’s delivery service has resulted in post taking longer to be delivered. Electors are encouraged to apply as early as possible for a postal vote. If there is insufficient time left to apply for a postal vote, an interstate or overseas voter may apply for an express vote (see below).

Use of postal vote applications by candidates and political parties:

Candidates and parties who are distributing bulk supplies of postal vote applications are requested to obtain these directly from the TEC or the offices of returning officers.

Please do not remove large numbers of applications from post offices as this may result in electors being unable to obtain an application in time and being denied a vote.

Return of postal votes

An elector who has applied for and received a postal vote must, before the close of polling, complete the ballot paper, place it in the declaration envelope, sign and date the declaration; and

- post it to the returning officer; or
- deliver it to a polling place before close of polling.

To allow for the return of postal votes from interstate or overseas, the returning officer will receive envelopes until 10.00am on the second Tuesday after polling day.
Express voting

Express vote is a way to vote using email or fax.

It is available to electors who are not in Tasmania (or in an isolated area of Tasmania) on polling day, and are unable to vote at a pre-poll centre, or an interstate electoral office, or via postal vote.

An isolated area of Tasmania includes particularly remote islands such as Maria and Maatsuyker Islands. Tasmanians stationed in Antarctica are also eligible to use an express vote.

An express vote is not completely secret, as an electoral official has to receive the vote, verify that the elector is entitled to vote and has made the required declaration before admitting the vote to the count.

Applications for an express vote are made online, with the express vote delivered to the elector by email or fax. Applications close 5pm on the Friday before polling day, Tasmanian time.

Express votes must be returned before 6pm on polling day, Tasmanian time.
Formality & informality

Formal votes

To cast a valid vote, an elector must record a preference for at least 5 candidates, by numbering boxes 1, 2, 3, 4 and 5.

Informal votes

A ballot paper is informal if:

- no vote has been recorded on it;
- it is not marked in accordance with section 102(1) (see above);
- it contains any unauthorised marking or writing which will (in the opinion of the electoral officer responsible) enable a person to identify the elector concerned;
- a number from 1-5 is repeated;
- a number from 1-5 has been omitted; or
- it has not been:
  - authenticated by the initials of the election official; or
  - authenticated by an approved mark.

A ballot paper will not be treated as informal if in the opinion of the returning officer the elector’s intention is clear.

A repetition or omission of a preference after the number 5 does not make the ballot paper informal. The preferences preceding the error on such ballot papers will be included in the scrutiny.
Polling day

Hours of polling (8.00am – 6.00pm) sections 94 & 3

Each ordinary polling place is to be open for polling from 8am on polling day until the close of poll at 6pm. While electors may not be admitted after 6 pm, if an elector is in the polling place before 6 pm, and wishes to vote, the poll will not close until that elector has voted.

The Commissioner is to determine the times during which each pre-poll polling place and mobile polling place is to be open for polling.

Polling day distribution and publication of electoral matter

See the "Advertising" chapter in this booklet for polling day restrictions.

Assistance to certain electors at a polling place section 113 & 169

If an elector requires assistance when voting, he or she should refer to the officer-in-charge of the polling place as to the appropriate approved method of voting. If an elector is to be assisted, an electoral official is to advise any scrutineers present of the approved procedure by which the elector is voting.

Voter assistance at a polling place

The TEC has approved the following procedures to assist an elector who is unable to vote without assistance.

An elector may nominate another person to help them fill in a ballot paper at a voting screen if the elector is unable to do so without assistance. The person assisting the elector is to mark the ballot paper in accordance with any directions whether in writing or otherwise presented.

An election official may take ballot material outside a polling place (for example to a parked car) to assist a voter who can come near to a polling place but is unable, due to a disability, to enter the polling place.

Vision impaired electors

The TEC has developed computer-based magnification and audio systems to enable visually impaired electors to cast their vote privately without the direct involvement of another person. The TEC expects to have the computerised systems available in returning officers’ offices during the pre-poll period and at appointed polling places on polling day.

For further information on procedures approved by the TEC to assist voters, please refer to www.tec.tas.gov.au or phone the TEC.
Candidates can only enter a polling place to vote

Candidates are not permitted to take part in any way in the conduct of polling at a polling place other than to cast their vote.

Photographers:

Prior arrangements to photograph or film inside a polling place should normally be made through the returning officer.

In any case, photographers are only permitted into a polling place at the discretion of the officer-in-charge.

Party workers or the press may take photographs of candidates casting their vote provided that ballot papers are folded over.

After close of the poll

After the close of the poll, a provisional count of the first preference votes is conducted at each polling place.

Progressive results will be available at www.tec.tas.gov.au, which also has previous election results.

At the time of publication there has not been a decision as to whether a tally room will operate on polling night.
Post election and scrutiny timetable  
sections 145 & 148

The following tasks are undertaken in the returning officer’s office following the return of ballot papers and other election material from polling places.

10 Day period for the return of postal votes

<table>
<thead>
<tr>
<th>Task</th>
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<tbody>
<tr>
<td>Postal vote declaration envelopes, and declaration vote envelopes</td>
</tr>
<tr>
<td>— declarations checked and eligible ballot papers admitted to the scrutiny</td>
</tr>
<tr>
<td>Progressive counting of postal votes</td>
</tr>
<tr>
<td>Two re-checks of ordinary ballot papers</td>
</tr>
<tr>
<td>Amalgamation of first preference votes for each candidate</td>
</tr>
<tr>
<td>Final check of the ballot papers</td>
</tr>
</tbody>
</table>

2nd Monday after polling day
Returning officers may commence a provisional distribution of some ballot papers (usually those held by candidates who have reached a quota of votes on first preference votes). Scrutineers will be advised prior to the commencement of any such provisional distribution.

Commencing 2nd Tuesday after polling day

<table>
<thead>
<tr>
<th>Task</th>
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<tbody>
<tr>
<td>Distribution of preferences (2 - 4 days)</td>
</tr>
<tr>
<td>Recount – if the returning officer decides or the Commission directs</td>
</tr>
<tr>
<td>Declaration of the poll</td>
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</tbody>
</table>
Candidate expenditure, and disclosure of donations by (Commonwealth) registered parties

There are no expenditure regulations or restrictions on candidates for House of Assembly elections.

However, while there are no Tasmanian provisions concerning disclosure of gifts to political parties or candidates, all parties registered under the Commonwealth Electoral Act 1918 must lodge with the Australian Electoral Commission an annual return showing relevant receipts and expenditure.
Scrutees

Role of the scrutineer

Candidates are not permitted to take part in the conduct of polling other than by casting their own vote. The role of the scrutineer is to represent the candidate at the places where voting or counting take place.

A scrutineer may observe the issuing, sorting, checking and counting of ballot material and may bring to the attention of an election official any matter he or she believes may not be in accordance with the provisions of the Act.

If a scrutineer brings a matter to the attention of an election official, that official is to—

- consider the request; and
- take any action he or she considers appropriate; and
- if requested by the scrutineer, record details of the request and the action taken.

If a scrutineer leaves a polling place another scrutineer may replace them.

Scrutees may also be present at further scrutiny of the ballot papers and the distribution of preferences.

Polling place count only provisional:

The counting at each polling place provides provisional figures.

A thorough check of all votes occurs during the 10 days after polling day.

Appointment of scrutineers

- The appointment of a scrutineer must be made in an approved form which is signed by the candidate.
- This appointment must be provided by the scrutineer to the election official responsible for the electoral process (usually the Officer-in-Charge of a polling place or the returning officer) before commencing his or her functions as a scrutineer.
- Further, the scrutineer is required by the Electoral Act 2004 to sign a declaration that—
  - he or she will perform these functions in accordance with the Act; and
  - preserve the secrecy of the voting.
- Copies of the forms are available from returning officers and the TEC.
Entry to the polling place scrutiny:

Scrutineers wishing to witness the counting of ballot papers in a polling place should arrange access with the officer-in-charge well before the close of poll. Scrutineers are entitled to enter or leave a polling place at any time, before or after 6 pm.
Disputing elections and returns

Application to dispute an election or return sections 205, 206 & 209

The validity of an election, a recount or the return of a person as a Member of the House of Assembly may be disputed by an application made to the Supreme Court within 90 days after the return of the writ for the election.

An application may be made by:

- a candidate at the election;
- an elector entitled to vote at the election;
- the TEC.

Determination of a disputed election application section 215

The Supreme Court may make an order that:

- an election is void and a by-election is to be held; or
- a person who has been declared elected was not duly elected; or
- a person who has not been declared elected was duly elected; or
- the application be dismissed in whole or part.

Immaterial errors not to void election section 238

An election may not be declared void merely on account of:

- any irregularity or delay in the declaration of nominations, polling for the election or the return of the writ for the election;
- the absence of a returning officer or an election official which, in the opinion of the Supreme Court, did not affect the result of the election; or
- an omission or error by the TEC, the Commissioner, a returning officer or an election official which in the opinion of the Supreme Court, did not affect the result of the election.
Filling a vacancy in the House of Assembly

House of Assembly vacancies are usually filled by recount.

When a vacancy occurs, a new member is elected by a recount process based on votes cast at the previous general election. Only unsuccessful candidates at the general election are eligible to contest the recount.

Only the ballot papers which were used to elect the vacating member are distributed in the recount. These votes are distributed to consenting candidates. The candidates receiving the fewest votes are excluded until one candidate receives an absolute majority (50% + 1).

Eligibility to contest a recount

A person is entitled to nominate himself or herself for the vacant seat so long as he or she:

- was a candidate at the last full divisional election; and
- was not elected at, that election; and
- is still qualified under the Constitution Act 1934 to be elected to the Assembly.

Nomination to contest a recount

The Commissioner will publish a notice in at least one approved newspaper that the seat has become vacant.

If a candidate wishes to be included in a recount, he/she must nominate in an approved form.

The nomination must be received by the Commissioner before noon, on the 10th day after the notice of vacancy was published.

Announcement of candidates

As soon as practicable after the close of nominations for a recount, the Commissioner is to publicly announce the names of the persons who are to contest the recount.

By-elections

Where all eligible candidates of the vacating member’s party are unavailable, the registered officer of that party may request that a by-election be held.
The Hare-Clark electoral system

The Hare-Clark electoral system is a Single Transferable Vote (STV) method of proportional representation used in multi-member electorates. Single transferable vote means that a ballot paper moves between candidates as determined by the elector’s preferences.

Where does the name Hare-Clark come from?
Thomas Hare was an Englishman who, in 1856, proposed the idea of a proportional representation election system which was further developed and became known as the Hare system. Andrew Inglis Clark, Tasmanian Attorney-General, introduced a modified version of the Hare system into Tasmanian law in 1896. This system is now known as the Hare-Clark electoral system.

How is a candidate elected?
A candidate is elected when his/her total number of votes equals or exceeds the quota.

What is the quota?
The quota is the lowest number of votes a candidate needs to be certain of election.
To calculate the quota, the number of formal votes is divided by one more than the number of candidates to be elected. This figure is then rounded up to the next whole number.
For a House of Assembly election in which five members per division are elected, the quota is slightly greater than one sixth or 16.7% of the formal votes.

Representation in the Parliament
Under Hare-Clark, parties, groups and independents are elected to the House of Assembly in proportion to their support in the electorate. The composition of the House of Assembly approximates the proportion of votes received by registered parties represented there.

Need for parties to stand extra candidates
Parties and groups usually nominate more candidates than they expect to be elected, in order to provide a pool of candidates to contest any recount to fill a vacancy.
As a result, the voters are provided with a choice of candidates within each party, as well as a choice of candidates across parties, groups and independents.
Hare-Clark — a broad description of how votes are counted

The first step is to distribute all ballot papers to the candidates according to the first preference of each ballot paper. The quota is then calculated from the total formal vote.

If any candidate(s) receives more votes than the quota, he or she is declared elected, and the excess (surplus) votes are passed on to continuing candidates. Following the distribution of each surplus, any candidate(s) who has reached the quota is declared elected, and any resulting surplus again passed on.

Once all surplus votes have been distributed, the candidate with the fewest votes is excluded and all of his or her votes passed on to continuing candidates. Further candidates are excluded until another candidate reaches the quota.

The process of distributing surplus votes and excluding candidates continues until five candidates reach the quota. In some cases the final candidate(s) will be elected without reaching the quota as all other candidates have been either elected or excluded.

Do you always need a quota to be elected?

In House of Assembly elections, it is common that the last elected member in a division is elected without obtaining a quota. In some cases the last two elected members in a division are elected without each obtaining a quota.

During the distribution of preferences, some votes are “lost” from the count. A small number can be lost due to rounding of fractional numbers. A more significant number of votes are “exhausted” toward the end of the count, as many ballot papers do not show a preference for any remaining candidate.

Where the contest for the last seat is close, it is common for the remaining two candidates to both have less than a quota. The candidate with the least votes is excluded, and the other candidate elected without reaching the quota. The more votes that are lost during the scrutiny, the more likely that not all elected members will obtain the quota.

A less common situation occurs where the three remaining candidates (each with less than a quota) are contesting the last two seats. In this case, the candidate with the least votes is excluded, and the other two candidates elected without either reaching the quota.
Your notes