

Legislative Council Elections 2026 Candidate Handbook

Your division.



Your vote.

Your voice.

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www.tec.tas.gov.au

Table of contents

Introduction	4
Legislative Council divisions	4
The periodic election cycle of the Legislative Council	4
Significant legislation changes for 2026	4
Election rules	5
How to access the legislation	5
Other quick points	5
Candidate disclosure and expenditure	6
Registering as a candidate	6
Registering an official agent	6
Election campaign period	6
Reportable political donations	6
Campaign account	7
Record keeping	7
Electoral expenditure and election campaign returns	7
Expenditure limit	7
Expenses not considered relevant electoral expenditure	8
Who can incur electoral expenditure?	8
Recycled election material	8
Lodgement of election campaign return	8
Power of Commission to require information	9
The writ	10
What is the writ?	10
Election timetable for the Legislative Council	10
Returning officers	10
The nomination period	11
Who can nominate?	11
How to nominate & nomination forms	11
A candidate's ballot paper name	12
Lodging the nomination	12
Once a nomination has been received	12
Access to the election roll	13
Nominations invalid due to change of name	13
Withdrawal of nomination	13
Close of nominations	13

Announcement of candidates	14
The announcement	14
Publication of candidate details	14
Ballot paper draw	14
Creation of election ballot papers	14
Election awareness advertising campaign	14
Other nomination matters	15
If only one candidate is nominated	15
Refunding the nomination deposit	15
Death of a candidate at election	15
Holders of an office of profit under the Crown, state public servants & government contractors	15
Voting at Legislative Council elections	16
Polling places	16
Assistance to certain electors	16
Types of early voting	17
Pre-poll voting	17
Mobile voting	17
Postal voting	17
Telephone Assisted Voting	17
Polling day	18
Hours of polling	18
Person not on roll or already marked off the roll	18
Campaigning restrictions on polling day and where voting is taking place	18
After close of the poll	18
Scrutineers during voting	19
Role of the scrutineer	19
Appointment of scrutineers	19
Close of the poll	20
Formal votes	20
Informal votes	20
End of the evening	20
Post-election and scrutiny timetable	21
Distribution of preferences	22
Method of counting votes at a Legislative Council election	22
Disputing elections and returns	23
Application to dispute an election or return	23
Determination of a disputed election application	23

Immaterial errors not to void election	23
Filling a vacancy in the Legislative Council	24
What is a by-election?	24
Who can stand for a by-election	24
By-election timetable	24
Campaigning – electoral matter	25
What is electoral matter?	25
What is meant by dominant purpose?	25
Campaigning – authorisation of electoral matter	27
Campaign material to be authorised	27
The word ‘advertisement’ to appear at the top of paid advertisements or advertorials in newspapers and periodicals	28
Authorisation not required for certain communications	29
Authorisation not required on specific items	29
Use of published materials without permission	29
Consent required to use candidate name, photograph or likeness	29
Campaigning – Other electoral offences	30
Restrictions within 100 metres of a polling place	30
Polling day restrictions on electoral matter	30
Bribery and treating	30
Misleading and deceptive electoral matter	31
Justices of the Peace	31
Radio and television advertisements	31
Broadcasting blackout	32
Placement of posters and signs	32
Offence to place electoral matter on electricity poles	32
Electronic billboards	32
Electoral roadside signs on state roads	33

Introduction

This booklet provides an easy reading summary of important information that all intending Tasmanian Legislative Council election candidates should know.

Other electoral information and forms and election results are available on the Tasmanian Electoral Commission (TEC) website at tec.tas.gov.au. Please contact the TEC or your returning officer if you have any further queries.

Useful tips: Shaded boxes in the booklet highlight practical advice for candidates.

Legislative Council divisions

There are 15 Legislative Council divisions: Derwent, Elwick, Hobart, Huon, Launceston, McIntyre, Mersey, Montgomery, Murchison, Nelson, Pembroke, Prosser, Rosevears, Rumney and Windermere.

One member is elected for each division.

The periodic election cycle of the Legislative Council

Elections for the Legislative Council are conducted on a six-year periodic cycle. Elections for three members are held in May every odd numbered year, with elections for two members held in May every even numbered year.

The following table outlines the divisions due for elections in the period 2026 – 2031.

2026	2027	2028	2029	2030	2031
Huon Rosevears	Derwent Mersey Windermere	Elwick McIntyre	Launceston Murchison Rumney	Hobart Prosser	Montgomery Nelson Pembroke

A map of each division can be found at tec.tas.gov.au/legislative-council, along with some history behind the name of each of the current divisions. Printed versions of these maps are available at the TEC. More detailed divisional boundaries can be accessed on the LIST (<https://maps.thelist.tas.gov.au/listmap/app/list/map>).

Significant legislation changes for 2026

1 July 2025 saw the introduction of the *Electoral Disclosure and Funding Act 2023* (the EDFA) for Tasmanian Parliamentary elections.

This means requirements for candidates with respect to campaigning are split between the *Electoral Act 2004* (the EA) and the EDFA.

Most importantly, electoral expenditure and election campaign return obligations have now shifted to the EDFA where they are also supplemented by new political donation disclosure requirements for candidates and other electoral participants.

The next section of this handbook now provides introductory information about EDFA obligations. Comprehensive information, including policies, procedures and training materials, is located on the [Disclosure and Funding](#) section of the TEC's website.

It is strongly recommended you read that additional information to further your understanding of your EDFA obligations. Please contact the TEC with any EDFA queries.

Election rules

It remains the case most¹ of the rules for Legislative Council elections are established by the EA and approved² election forms and procedures.

The role of the TEC and returning officers is to administer the election in accordance with the legislation. While implementation of the legislation forms part of the daily function of returning officers, it is not their role to provide legal advice to candidates, groups or parties.

For ease of reading, some sections of the legislation have been paraphrased. However, this booklet has no legal status and should **not** be substituted for the legislation itself.

How to access the legislation

The *Electoral Act 2004*, the *Electoral Disclosure and Funding Act 2023*, and other up-to-date Tasmanian Acts and Regulations can be accessed online at legislation.tas.gov.au

It is in the best interests of candidates to obtain legal interpretation of the relevant legislation from their own legal advisers.

Other quick points

Unless otherwise specified, section references in subject headings are from the EA.

¹ Other than those related to electoral expenditure, election campaign return and political donation disclosure requirements, which are now dealt with in the EDFA.

² Approved by the Tasmanian Electoral Commission (the Commission). This allows electoral processes to incorporate the use of appropriate modern technology and practice as it becomes available.

Candidate disclosure and expenditure

1 July 2025 marked the introduction of the EDFA for Tasmanian parliamentary elections. All electoral expenditure and election campaign return requirements previously administered under the EA are now provided for under the EDFA, and are supplemented by new political donation disclosure requirements for electoral participants.

Registering as a candidate

Part 10, Division 1 EDFA

The EDFA requires candidates to register with the TEC. Registration is not the same as nomination, and a Legislative Council candidate will need to register if they accept political donations or incur electoral expenditure before their nomination.

Registering as a candidate is different to nomination, but both must be completed. You should register if you intend to be a candidate in 2026 and you must register prior to accepting any political donations or incurring electoral expenditure.

Registering an official agent

Part 10, Division 4 EDFA

An official agent is the person responsible for the obligations of a member or candidate under the EDFA. The role of official agent replaces the role of election agent for Legislative Council elections.

A candidate may choose to register an official agent who will then be authorised to accept political donations, incur electoral expenditure and operate the candidate's campaign account on their behalf.

If a candidate does not have a registered official agent at any time, the candidate will be taken to be their own agent.

Election campaign period

s.5 EDFA

The EDFA provides a definition for an *election campaign period*, which when applied to this event is the period from **1 January 2026 to 1 June 2026**.

Reportable political donations

Parts 2, 4-5, 8 EDFA

A reportable political donation is a political donation of \$1,000 or more to an electoral participant – for example, to a member, or candidate, or a political party.

During a Legislative Council election campaign period, candidates are required to disclose a reportable political donation to the TEC within 7 days.

All disclosures of reportable political donations are published to the TEC's website for public viewing.

Compliant disclosure of reportable political donations: it is important to familiarise yourself with how disclosures are made by reading our [Reportable political donation disclosures](#) webpage.

Campaign account

Part 9 EDFA

An electoral participant (members or candidates for a division being elected) is required to use a campaign bank account with receipting obligations. This must be a separate bank account and must be operational from the beginning of an election campaign period (or earlier if you start to receive political donations prior to the start of the election campaign period).

Only political donations or personal financial contributions for a candidate's own campaign may be paid into the account.

Candidates will be required to provide a bank account statement for any account used for the payment of electoral expenditure during the election campaign period when making an election campaign return.

The EDFA requires the use of a campaign bank account to receive donations; also, the provision of receipts to donors using a receipt book issued by the TEC or a TEC-approved electronic receipt.

Record keeping

You may use the TEC-issued receipt book to meet your obligation under the EDFA to issue a receipt for any political donation of \$100 or more; as well as to issue receipts for reportable political donations.

Instructions on how to use the book are printed on its inside cover.

Having all your receipts in the same place will assist in your preparation of a reportable political donation disclosure to the TEC if an individual donor provides you with multiple donations that, when aggregated during the election campaign period, total \$1000 or more.

Protect your privacy: to protect your personal privacy and make it easier to maintain accurate records, the TEC recommends that you use only a stand-alone campaign account to incur or reimburse electoral expenditure.

Electoral expenditure and election campaign returns

Part 8 EDFA

Electoral expenditure may only be incurred by a member, candidate or their official agent to support their re-election or election to the Legislative Council. Political parties and other electoral participants may not incur electoral expenditure but are not prohibited from donating to Legislative Council members and candidates.

Election campaign returns must be lodged by each candidate in a Legislative Council election. For this event, election campaign returns will be due 60 days after the day on which the result of the election is announced.

Expenditure limit

Part 8 EDFA

Legislative Council candidates must abide by the expenditure limit figure for an election campaign period as set by the EDFA. For the 2026 Legislative Council elections in the divisions of Huon and Rosevears, the expenditure limit is set at **\$20,000**.

It is an offence for a candidate or their official agent to exceed the expenditure limit on their election campaign [within the expenditure period](#). Candidates spending more than the permitted maximum amount will be liable to a penalty. In addition, if an elected candidate exceeds the permitted maximum amount by more than \$1,000, **a court may declare their election void**.

Expenses not considered relevant electoral expenditure

Electoral expenditure that is not considered relevant includes:

- » personal and reasonable living and travelling expenses of the candidate and their official agent,
- » renting or hiring of premises for the campaign,
- » appointment of scrutineers, and
- » conveying electors to and from a polling place on polling day.

Who can incur electoral expenditure?

Part 8 EDFA

Expenditure may be incurred by a candidate and their official agent.

It is an offence for a candidate to authorise anyone other than their official agent to incur expenses on their behalf and it is also an offence for a person other than a candidate or their official agent to incur any electoral expenditure with the intention of promoting or procuring the election of that candidate.

This does not prevent the payment or giving of any money, security or equivalent of money **directly** to a candidate or their official agent for that campaign.

No political party expenditure is allowed at Legislative Council elections.

Further information about [electoral expenditure](#) is available on the TEC website, including [when electoral expenditure is incurred](#).

Recycled election material

Regarding previously used election campaigning material, TEC policy requires reporting of expenses incurred **only for this election**. This means:

- » Only expenditure incurred in relation to the current Legislative Council election should be included in a return. In other words, if a candidate is re-using material from a previous election campaign, they should not include a value for that re-used material in their return.
- » Expenditure incurred to update old advertising material, such as stickers to overlay on old signs, should be included as it is expenditure incurred for this election.

Lodgement of election campaign return

Part 8, Division 3

All candidates must lodge an accurate election campaign return. Information about how to lodge an election campaign return and what must be included can be located on the TEC's website.

The election campaign return form is available on the [TEC's Forms and templates](#) webpage. The TEC can only accept disclosures and election campaign returns made using the current and correct forms.

Power of Commission to require information

s156 EDFA

The Commission has the power to require information, records, explanation of records and answers to questions relating to candidate expenditure where it believes that a person is in possession of relevant information.

Resources

The TEC recommends not simply relying on this handbook, but visiting our website, tec.tas.gov.au/edf, to learn about the following:

- » Registering as a Legislative Council candidate and registering an official agent
- » Policies and guidelines from the TEC to support the new disclosure scheme
- » FAQs about topics including political donations and campaign accounts

Please note that the TEC can only accept disclosures and election campaign returns made using the current and correct forms.

All the current forms that must be used under the EDFA are now on the TEC's [Forms and templates](#) webpage. This includes sections for Legislative Council candidates and members.

If you need assistance understanding your obligations under the EDFA, please email edf@tec.tas.gov.au or call 1800 801 701

The writ

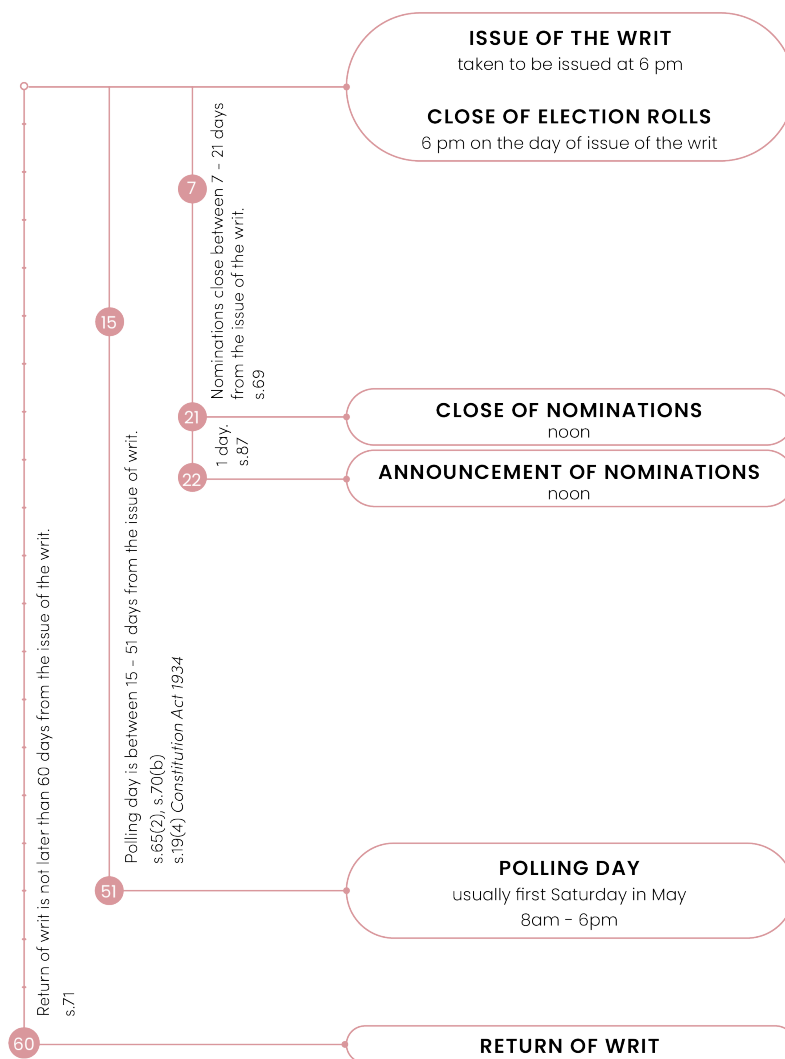
What is the writ?

Constitution Act 1934 - section 19; Electoral Act 2004 - sections 65-71

The writ is a document that carries the Governor's command to conduct an election and specifying key election dates: the close of nominations, polling day, and the return of the writ.

A Legislative Council election commences when the Governor formally issues the writ to the returning officer and concludes when the writ, containing the name of the successful candidate, is returned to the Governor following the declaration of the poll.

Election timetable for the Legislative Council



Returning officers

Returning officers are statutory positions contained in the EA and have legislated powers and responsibilities. Prior to each election the TEC will formally appoint a person to hold the position of returning officer for each division going to election.

Contact details for each returning officer will be made available on the TEC website.

The nomination period

Who can nominate?

Constitution Act 1934 – section 14, Electoral Act 2004 – sections 75 & 76

To be elected as a member, a person must:

- » be an elector, or be entitled to have their name placed on the roll for a Legislative Council division, and
- » have:
 - resided in Tasmania for 5 years at any one time, or
 - resided in Tasmania for 2 years immediately preceding their nomination.

A person is ineligible to be nominated if the person:

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

Also see information on page 15 if you are a holder of an office of profit under the Crown, a state public servant or a government contractor.

How to nominate & nomination forms

section 77

Legislative Council candidates are nominated as individuals, or by a registered political party.

Individual candidate

To nominate as an individual candidate, the nomination form must contain:

- » signed support from **at least 10 electors** who are entitled to vote at the election, and
- » a candidate signed declaration confirming that they:
 - are qualified to be elected as a member of the Legislative Council, and
 - are not disqualified from being elected under the *Constitution Act 1934*.

The individual candidate can also request the word 'independent' be included under their name on the ballot paper³.

Providing a few extra nominators will help avoid last-minute difficulties.

Candidate nominated by a political party

The party nomination form⁴ consists of two elements:

- » a signed statement by the registered officer endorsing the candidate, and
- » the details, signature and a statement of consent of the candidate.

The candidate statement of consent confirms that they:

- » are qualified to be elected as a member of the Legislative Council, and
- » are not disqualified from being elected under the *Constitution Act 1934*.

³ To have the word 'independent', the candidate must declare that they are not a candidate nominated by a party.

⁴ A party nomination should be organised by the registered officer of the political party.

A candidate's ballot paper name

sections 80 & 99

Each candidate is required to provide a form of their name to appear on the ballot paper. The ballot paper name does not need to be the candidate's full name. For example, a person enrolled as Thomas James Citizen might request the ballot paper name 'Tom Citizen' as that is how he is commonly known.

The Electoral Commissioner (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 name⁵.

Lodging the nomination

section 77

To formally lodge a nomination, the completed nomination form and nomination deposit must be received by the returning officer during the nomination period – from the issue of the writ until noon on nomination day.

A party nomination form can be lodged with either the returning officer or the Electoral Commissioner during the nomination period.

The nomination deposit of \$400 must be cash or a special bank cheque⁶.

Personal cheques and money orders are **not** an acceptable payment of the deposit.

Address details for lodgement are available via tec.tas.gov.au/LC26. Returning officers are not located at the TEC's head office.

Once a nomination has been received

section 77

When the nomination form and deposit are in the hands of the returning officer⁷ (or the Commissioner, for party nominations), the form is notated as '*received at [place, date and time]*'. The returning officer/the Commissioner will:

- » check that the form is completed fully,
- » check that the form complies with the requirements of section 77 of the EA, and
- » confirm the full nomination deposit has been provided.

If the material lodged is satisfactory, the returning officer will formally accept the nomination. If the nomination is incomplete, the returning officer will contact the candidate to seek further information.

It is the responsibility of the candidate to ensure that the nomination form and deposit are received by the returning officer **before the close of nominations**.

A nomination containing 'typed' signatures, of electors or a candidate themselves, does not meet the requirements of the Commission and will not be accepted by the returning officer or the TEC. **Actual signatures are required**.

⁵ If two candidates have similar names that might cause confusion, the Commissioner may arrange the names with additional information so that each candidate can be distinguished.

⁶ A bank cheque being a cheque drawn by an authorised deposit-taking institution or other financial institution on itself.

⁷ Election staff at the office of the returning officer can also receive the nomination if the returning officer is absent.

Access to the election roll

sections 40(5), 41(1) & 166

Once the returning officer has accepted a nomination, the candidate is sent a confirmation letter and an 'election roll request form'. All candidates are entitled to request a printed copy of the election roll⁸.

An election roll can only be used for a purpose connected with the election. It is otherwise an offence to use, without reasonable excuse, information from the roll. Candidates should destroy any copy they hold or return it to the TEC for destruction following the completion of the election.

Candidates should not expect a copy of the election roll to be immediately available to them at the time of acceptance of their nomination.

Nominations invalid due to change of name

sections 84 & 85

The Commission may determine that a nomination is invalid on the grounds that the candidate has changed their name to a name that:

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

The Commission may also determine that a nomination in respect of a person as a candidate is invalid on the grounds that the person has changed their name to a name that the Commission considers could cause confusion.

If the Commission determines that a nomination is invalid on a ground mentioned above it must advise the person in writing of the reasons and of any right to appeal the determination.

A person may appeal this determination to the Supreme Court in accordance with section 85, provided that their nomination was received before 5pm on the fourth business day before nomination day.

Withdrawal of nomination

section 83

A candidate may withdraw their nomination by notice signed by the candidate and lodged with the returning officer (or the 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 they consent to the withdrawal of the nomination.

Close of nominations

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

Nominations must be received by the returning officer (or the Commissioner for party nominations) **before noon** on the day the nomination period closes (nomination day).

Lodge nominations early: Lodging your nomination form early will give you time to fix any possible problems with your form.

⁸ It will take at least 3-4 days after the close of rolls for printed rolls to be prepared and distributed; longer if you need the printed roll to be posted to you.

Announcement of candidates

The announcement

section 87

At noon on the day after the nomination period closes, the returning officer will publicly announce⁹ the names of all candidates.

Publication of candidate details

Immediately after the announcement, candidates' names are published by division on the TEC website, followed shortly after by a media release. The media release also includes any phone number or email address that candidates have agreed on their nomination form to make publicly available.

A notice specifying the date of the poll, and a list of the candidates, will be published in a newspaper circulated in the division.

An elector brochure, detailing the list of candidates, early voting services and polling places on polling day, is mailed to each elector on the election roll.

Ballot paper draw

sections 89 & 98, Schedule 3 & Regulations

Tasmanian parliamentary and local government elections use 'Robson Rotation' to enable candidate names to be rotated on versions of the ballot paper, so that each candidate receives an equal share of the favoured positions at the top and bottom of the column.

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

Creation of election ballot papers

section 98

Once the announcement of candidates and draw for ballot paper positions has been conducted, the TEC will produce ballot papers for each election.

Ballot papers for Legislative Council elections list the names of candidates in a single column with a box printed next to each name¹⁰. Each candidate's name on the ballot paper is identified by their 'ballot paper name' as specified on the nomination form.

Election awareness advertising campaign

Under the EA, key stages of the election are required to be advertised in daily Tasmanian newspapers circulating in the division: the notice of the writ, announcement of candidates, and polling places. In addition, the TEC conducts a comprehensive public awareness campaign including commercial television and radio, newspapers and social media.

⁹ The EDFA has introduced a requirement for candidates to register with the TEC - a different process to nomination. This means the identity of candidates will be publicly available on the TEC website prior to the close of nomination. See page 6 for further information.

¹⁰ The short name of the political party will be listed below each party candidate name. The word 'independent' can be placed under the ballot name of non-party candidates if requested on the nomination form.

Other nomination matters

If only one candidate is nominated

section 88

If only one candidate is nominated for an election¹¹, the returning officer will announce that a poll will not take place, and that the candidate will be declared elected unopposed on polling day. The declaration will be announced in a notice published in a newspaper circulated in the relevant division.

Refunding the nomination deposit

sections 77(8) & 86

The returning officer will refund the nomination deposit (\$400) if the 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 an absolute majority of votes,
- » withdrawn their nomination as a candidate before the end of the nomination period¹², or
- » died before polling day.

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

If an election fails, nomination deposits will be returned to all candidates.

Death of a candidate at election

sections 86(3) & 90

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** – the election fails, or
- » **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.

Holders of an office of profit under the Crown, state public servants & government contractors

Constitution Act 1934 (sections 32 & 33), and others

The *Constitution Act 1934*, *Constitution (State Employees) Act 1944* and the *Crown Servants' Reinstatement Act 1970* contain several provisions concerning the nomination and election of holders of an office of profit under the Crown, State public servants and Government contractors.

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

¹¹ This last occurred in 2021.

¹² The withdrawal of a nomination must be in accordance with section 83 of the *Electoral Act 2004*.

Voting at Legislative Council elections

Polling places

sections 91 & 92

A polling place is a place appointed by the Commission where people listed on the election roll may vote.

Polling places are classified as:

- » an ordinary polling place – open on polling day,
- » a pre-poll polling place – open during the early voting period, or
- » a mobile polling place – where the electoral process goes to hospitals and other institutions during the early voting period and sometimes on polling day.

Polling places are located in community and town halls, school buildings and sometimes office buildings.

The early voting period usually commences on the first business day after the candidates are announced and concludes the day before polling day.

Polling place locations will be published:

- » on the TEC website,
- » in the information pack sent to each elector, and
- » in the local daily newspaper on polling day.

These lists indicate accessible polling places electors may wish to utilise.

Assistance to certain electors

sections 113 & 169

Electors requiring assistance in a polling place, should ask for the polling place manager. An elector who is unable to vote without assistance:

- » 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 by the elector, and
- » 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.

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.

The TEC has developed an independent voting system (VI-Vote) for electors who are blind, have a vision impairment or a print disability. This system is available at a designated pre-poll centre and polling day location in each Legislative Council division going to election.

Following the passage of the *Electoral Amendment (Alternative Voting Procedures) Act 2025*, the Commission has also expanded access to the Telephone Assisted Voting service (TAV) to people with a print disability. Further detail is provided on page 17.

Information about additional alternative voting procedures will be published on the TEC website as it becomes available.

Types of early voting

Under the EA, all persons listed on the election roll are entitled to vote at a polling place on polling day. Electors unable to attend a polling place on polling day may:

- » vote at a pre-poll polling place in Tasmania during the early voting period,
- » be visited by a mobile polling team,
- » vote by postal vote, or
- » complete a telephone vote if eligible (see below).

Pre-poll voting

sections 108 & 115

To vote at a pre-poll centre, the elector must complete a signed declaration that they will be unable to vote in a polling place on polling day before having their name marked off the roll.

Mobile voting

sections 108 & 114

In the days leading up to polling day, mobile polling teams will visit appointed institutions within the division, such as hospitals and nursing homes. Hours of polling are determined by the Commissioner. Further details about mobile polling and a list of the dates and times institutions will be visited will be provided on the TEC website.

The TEC will also send mobile polling teams to various Tasmanian Prison Service locations within the state.

Postal voting

sections 125-130

An elector may vote by post if they are unable to attend a polling place on polling day. Applications must reach the returning officer, or a person approved for the purpose, before 4pm on the 8th day before polling day.¹³

Electors registered as general postal voters will automatically have their postal vote sent by post in the week following the announcement of candidates.

Telephone Assisted Voting

The Tasmanian Electoral Commission provides Telephone Assisted Voting for those electors who are interstate, overseas or living with print disability. The TEC defines a print disability as:

- » vision impairment or blindness,
- » a person unable to hold or manipulate written material or to focus or move their eyes,
- » physical dexterity problems such as multiple sclerosis, Parkinson's disease, arthritis or paralysis,
- » a learning disability, such as dyslexia,
- » a brain injury or cognitive impairment,
- » literacy difficulties, or
- » early dementia.

Further information about TAV, including procedures, phone numbers and operating hours (noting that the service is available on polling day) will be published on the TEC website during the election period.

¹³ Candidates and parties who wish to distribute bulk supplies of applications are requested to obtain these from the TEC. Postal vote applications must be accompanied by TEC reply paid envelopes, as a delay to the return of an application could jeopardise the timely receipt of the postal ballot pack by the elector and may also be a breach of section 128.

Polling day

Hours of polling

sections 3 & 94

On polling day, all polling places are open from 8am until 6pm. Electors can vote at any polling place open on polling day in Tasmania.

While electors may not be admitted after 6pm, if an elector is in line to vote before that time, the polling place will not formally close until that elector has voted.

Similar arrangements are in place for TAV, where entry to the phone queue will close at 6pm sharp, but existing callers will remain in the queue until their call is completed.

Person not on roll or already marked off the roll

sections 116, 117 & 118

If an elector's name cannot be found on the roll, or has already been marked on the roll, the elector may choose to complete a declaration vote.

To complete a declaration vote, the elector signs a declaration on an envelope, the ballot paper is enclosed in the envelope, which is transferred to the appropriate division. If the returning officer is satisfied that the elector is entitled to vote, the envelope will have all elector details hidden, the envelope opened, and the ballot paper will be admitted to the scrutiny.

Campaigning restrictions on polling day and where voting is taking place

section 120

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.

There are specific rules regarding campaigning both on polling day and near to any location where polling is taking place during the early voting period. See the *Other electoral offences* section on page 30 for further details.

Digital recording in a polling place: Prior arrangements to photograph or film inside a polling place should be made through the returning officer. Media are only permitted into a polling place at the discretion of the polling place manager.

Photographs of candidates casting their vote may be taken provided that ballot papers are folded over.

After close of the poll

sections 140 & 141

After the close of the poll, a provisional count of the first preference votes is conducted at each polling place¹⁴. A thorough check of all votes takes place at a central location in the following days.

Progressive results are published on the TEC website. Previous Legislative Council results are also available on the TEC website.

¹⁴ To ensure the secrecy of the vote, the TEC may approve combining the ballot papers received at a small polling place with the ballot papers received at another polling place.

Scrutineers during voting

Role of the scrutineer

sections 105 & 106

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 they believe may not be in accordance with the provisions of the EA.

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

If a scrutineer brings a matter to the attention of an election official, that official is to consider the request and take any action they consider appropriate. If requested by the scrutineer, the election official will record details of the request and action taken.

Entry to the polling place scrutiny: Scrutineers are entitled to enter or leave a polling place at any time, before or after 6pm.

Appointment of scrutineers

sections 104 & 172

The appointment of a scrutineer must be made using the approved form, signed by the candidate. This appointment must be provided to an election official by the scrutineer before commencing their functions as a scrutineer.

Further, the scrutineer is required to sign a declaration that they will perform their functions in accordance with the EA and preserve the secrecy of the voting.

Copies of these forms are available from the returning officer or by contacting the TEC.

In completing the form, a scrutineer must declare:

- » I will preserve the secrecy of the voting,
- » I will obey any lawful direction given by an election official or the returning officer,
- » I will not interfere with, or attempt to influence, an elector or other person,
- » I will not communicate with a person except as is necessary in undertaking my functions as a scrutineer,
- » I will not touch or interfere with any ballot materials except with the authority of an election official, and
- » I will not otherwise misconduct myself.

Close of the poll

The counting of ballot papers begins once the last elector (who arrived before 6pm) has finished voting and left the polling place.

Polling place staff will unfold each ballot paper and – if the ballot paper is formal – distribute it to the candidate who received the elector's first preference.

This is a slow process due to the rotation of candidate names on the ballot paper. Any scrutineer questions or queries are to be made with the polling place manager.

Formal votes

section 102(2)

To cast a valid vote an elector must initially mark the ballot paper as follows:

- » where there are more than 3 candidates – by placing the numbers 1, 2 and 3 in the boxes next to the names of the candidates in order of preference, or
- » where there are 3 candidates – by placing the numbers 1 and 2 in the boxes next to the names of the candidates in order of preference, or
- » where there are 2 candidates – placing the number 1 in the box next to the name of the candidate of first preference.

The elector may then place further consecutive numbers in any or all of the remaining boxes next to the names of the other candidates.

Informal votes

section 103

A ballot paper is informal if:

- » no vote has been recorded on it,
- » it is not marked in accordance with section 102(2) (see above),
- » it contains any unauthorised marking or writing which will (in the opinion of the election officer responsible) enable a person to identify the elector concerned,
- » 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 minimum number required does not make the ballot paper informal. The preferences preceding the error on such ballot papers will be included in the count.

End of the evening

At the end of the evening, all ballot papers and other polling material are securely packaged and transported to the returning officer. Polling place figures are phoned through to the TEC once the polling place manager has completed their duties.

The returning officer will also undertake a first-preference count of pre-poll votes and mobile polling votes at a central scrutiny centre on election night.

Post-election and scrutiny timetable

The following tasks are undertaken at a central location following the return of ballot papers and other election material from polling places.

Throughout the 10-day period after polling day

Part 5, Division 12

Re-check preferences on all returned ballot papers

Amalgamation of candidates' parcels of ballot papers from each polling place

Provisional distribution of preferences
(where the election result can be determined)

Declaration vote envelopes processed
(dec envelopes checked and eligible ballot papers admitted to the count)

Counting of postal votes will commence on the first Monday after polling day, with subsequent postal vote counts to occur later in that same week.

Final check of the ballot papers

Commencing 2nd Tuesday after polling day

Part 5, Division 12

Final distribution of preferences

Recount
(if returning officer decides or Commission directs)

The declaration of the poll may take place prior to the final distribution of preferences if the returning officer and the Commissioner are satisfied that any votes not yet counted could not affect the result of the election.

Distribution of preferences

Method of counting votes at a Legislative Council election

section 145 & Schedule 5

For a candidate to be elected at a Legislative Council election, they must obtain an absolute majority of votes, where:

absolute majority is more than one half of the total number of formal votes (less exhausted votes).

The method of counting votes is as follows:

- » All ballot papers are examined with all formal ballot papers being included in the count (each paper = 1 vote) and informal ballot papers being rejected.
- » Each formal ballot paper is distributed to the candidate allocated the 1st preference.
- » Once all formal ballot papers are allocated, the first preference total for each candidate is counted.
- » If a candidate has received the same or more votes than the absolute majority, they are elected.
- » If no candidate has an absolute majority, then the candidate with the fewest votes is excluded (removing them from the count), and each ballot paper they received is distributed to the continuing candidate with the next earliest preference on the ballot paper.
- » Where none of the continuing candidates have been allocated a preference, the ballot paper drops out of the count and the vote associated with that ballot paper is declared 'exhausted'.
- » If no candidate has an absolute majority of votes at this stage, then the process of excluding the candidate with the fewest votes is repeated, until one candidate reaches the absolute majority.

If at any count, two or more candidates have the equal fewest number of votes, then whichever of those candidates was recorded as having the fewer number of votes at the last count at which they were unequal is to be excluded.

The process of determining the excluded candidate is the same for the final count if the remaining two candidates have an equal number of votes and one has to be excluded. In this case the unexcluded candidate is elected.

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 Legislative Council 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, or the office of 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 Legislative Council

When a vacancy occurs in the Legislative Council, a by-election for that seat is held.

What is a by-election?

section 66

A by-election is an election held to elect a member of the Legislative Council, in circumstances where a seat becomes vacant other than by the expiry of a member's six-year term of office (for example, a vacancy caused by the resignation or death of a member).

By-elections are conducted in a similar manner to regular periodic elections.

Who can stand for a by-election

The qualifications for nomination as a candidate for a Legislative Council by-election are the same as those for a normal periodic election, as outlined in *The Nomination Period* section.

By-election timetable

sections 66, 69 & 70

When a seat becomes vacant on or after 1 January and before the issue of the writs for the periodic Legislative Council elections for that year, the by-election is deferred and held in conjunction with the periodical elections.

When a by-election is not held concurrently with the periodical elections:

- » The writ for holding a by-election is to be issued within 40 days of the vacancy occurring.
- » The period between the issue of the writ and nomination day for a by-election is not less than 7 days nor more than 21 days (the same as for normal periodic elections).
- » The period between nomination day and polling day for a by-election is not less than 22 days nor more than 30 days.

Campaigning – electoral matter

What is electoral matter?

sections 3 & 4

The EA defines '**electoral matter**' as:

matter (that is) communicated, or intended to be communicated, for the dominant purpose of influencing the way electors vote in an election, including by promoting or opposing a political entity¹⁵ or a member.

The EA defines '**communicate**' in relation to electoral matter as:

print, publish, display, distribute, produce, or broadcast, the electoral matter, by any means, including electronically, by social media or by the internet, by electronic phone or by a communication sent to an electronic address at which the communication may be available to a person.

Matter is not considered 'electoral matter' if the communication, or intended communication:

- » is the reporting of news, presenting of current affairs or genuine editorial content in news media,
- » is for a dominant purpose that is satirical, academic or artistic,
- » is a private communication by a person to another person known to the first person,
- » is by or to a person who is a public official in that person's capacity as such an official,
- » is a private communication to a political entity that is not a public official, in relation to public policy or public administration, or
- » occurs in the House of Assembly or Legislative Council, or is, or would be, to a parliamentary committee.

What is meant by dominant purpose?

sections 3 & 4

When considering if a matter (or communication item) is electoral matter, the first determination is in regard to the 'dominant purpose' of the communication? The EA provides some clarification on how to assess the dominant purpose of a matter.

- » If a communication is for:
 - educating an audience, or
 - encouraging debate on an issue of public policy,it can be presumed that the dominant purpose is for public engagement rather than influencing the way the elector will vote in a specific election.
- » If a communication:
 - expressly promotes or opposes a political participant or a member,it can be presumed that the dominant purpose is to influence the way the elector will vote in a specific election and can be considered electoral matter.

A matter can only have one dominant purpose.

¹⁵ The Electoral Act defines '**political entity**' as meaning:

- » A party or registered party; and
- » A candidate or a member of a group of candidates

When determining the dominant purpose of a communication, the determination must also consider:

- » whether the communication is to the public or a section of the public,
- » whether the communication is by, or on behalf of, a disclosure entity (see below),
- » whether the communication contains an express or implied comment on a political entity or a member,
- » whether the communication is received by electors near a polling place,
- » how soon an election is to be held after the creation or communication of the matter, and
- » whether the communication is unsolicited.

Also, each creation, re-creation, communication or re-communication of a matter is treated separately for the purposes of determining whether matter is electoral matter.

The EA defines '**a disclosure entity**' in relation to electoral matter as a person or entity who:

- » is a candidate in relation to an election to which the electoral matter relates, or
- » is a registered party, or
- » is a member, or
- » is a significant political donor¹⁶ in relation to an election to which the electoral matter relates, or
- » is an associated entity¹⁷, or
- » is a third-party campaigner¹⁸ (only for House of Assembly elections), or
- » was a candidate in –
 - (i) a House of Assembly election in the previous 5 years; or
 - (ii) a Legislative Council election in the previous 7 years;

¹⁶ within the meaning of the *Electoral Disclosure and Funding Act 2023*

¹⁷ within the meaning of the *Electoral Disclosure and Funding Act 2023*

¹⁸ within the meaning of the *Electoral Disclosure and Funding Act 2023*

Campaigning – authorisation of electoral matter

Campaign material to be authorised

sections 190 & 191

Between the issue of the writ and the close of poll for an election all electoral matter must include '**authorisation particulars**', displayed in the applicable manner.

'Authorisation particulars' include:

- » the name and address of the person who authors, or authorises the communication of the electoral matter,
- » a statement to the effect that the person named is the author of, or authorised the communication of electoral matter, and
- » any other prescribed particulars.

If the communication is made on behalf of a disclosure entity, the statement must include that information.

A person authorises the communication of electoral matter if:

- » the person approves the content of the matter (where the content is approved before communication), or
- » the person communicates the matter (where the content is not approved before communication).

How authorisation is to be provided differs depending on the medium in which the electoral matter is communicated.

Type of communication	Authorisation particulars to be...
Hard copy document or object	Shown on the document or object
Website that is not social media	Shown as part of the electoral matter
Electronic mail	Shown in the electronic mail
Electronic message sent to electronic address in connection with a telephone account	Shown at the end of the electronic message, or at an electronic address included at the end of the communication
Social media (see definition on the following page)	Shown at the end of the communication or, if there are too many electronic characters, then: <ul style="list-style-type: none">» shown at an electronic address included at the end of the communication, or» shown as part of the information under "About us" or "Contact us" (for to the person making the communication) and that is directly linked to or can be displayed by clicking a link in the electronic information displayed at the electronic address at which the communication is displayed
Spoken word during a telephone call	Spoken at the beginning of the telephone call
Any way not specified under the legislation	Displayed in the prescribed manner, if any

The EA defines '**address**' in relation to advertising and campaigning as:

- » in relation to a natural person – a full street address and suburb or locality of premises at which the person can be contacted, and
- » in relation to an entity that is not a natural person –
 - (1) if the entity has a principal office – the full street address of the office, or
 - (2) if the entity does not have a principal office but owns or occupies premises – the full street address at which the premises are situated, or
 - (3) if the entity does not have a principal office or does not own or occupy premises – a full street address at which the natural person who was responsible for giving effect to the authorisation can be contacted.

Examples of suitable authorisations:

1. Authorised by: John Citizen, 1 Long Road, Hobart
2. Authorised by Jane Citizen on behalf of Soup Solutions, Soup House 300 Long Rd, Hobart
3. Authorised by James Citizen on behalf of the Round Party, 200 Long Rd, Hobart
4. Author – Jenny Citizen, 1 Long Road, Hobart, candidate for the Legislative Council Division of [x]
5. Authorised by Jack Citizen, 1 Long Road Hobart on behalf of [x] Member for Legislative Council Division of [y]

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

Authorisation: If you are unsure if an item requires authorisation, it is advisable to authorise it to avoid committing an offence under the EA.

The EA defines '**social media**' as internet-based, or mobile broadcasting-based, technology or applications if:

- » the sole or primary purpose of the technology or application is to enable social interaction between 2 or more end-users, and
- » the technology or application allows end-users to link to, or interact with, some or all of the other end-users, and
- » the technology or application is a means by which a person may create and share content generated by the person. This includes internet forums, blogs, wikis, text messaging and online or mobile broadcasting social networks.

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

section 195

If payment, reward or compensation, or promise of reward or compensation, is made, or is to be made for the communication of electoral matter, the word '**advertisement**' must be displayed in the applicable manner (see table above) in relation to the communication of the electoral matter as if the authorisation particulars were a reference to the word '**advertisement**'.

Authorisation not required for certain communications

sections 194 and 194A

The requirement to authorise electoral matter may not apply to a letter to the editor of a newspaper or periodical if particular information is provided.

Certain other communications are also not required to be authorised, if the electoral matter forms part of:

- » a communication, other than by way of social media, communicated for personal purposes,
- » an opinion poll, or research relating to voting intentions at an election that is not intended to encourage a person to vote for or against a particular party, candidate or candidates,
- » a communication, by way of social media, that forms part of the expression of a natural person's individual personal political views (provided the natural person is not paid to express those views or is not a candidate or Member),
- » an internal communication,
- » a communication at a meeting of 2 or more persons provided that the speaker and any disclosure entity on whose behalf the speaker is communicating can reasonably be identified by the persons being communicated to,
- » a live communication such as a meeting,
- » a communication communicated solely for the purpose of announcing a meeting,
- » a communication that is a member of a prescribed class of communications, or
- » a communication on radio or television by the holder of a licence under the *Broadcasting Services Act 1992* of the Commonwealth, that is subject to a condition relating to election advertisements.

Authorisation not required on specific items

section 192

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

- » an item of clothing, lapel button or lapel badge,
- » a pen, pencil or balloon,
- » a business card or visiting card that promotes the candidacy of a person in an election,
- » a letter or card on which the name and address of the sender appears, or
- » any other approved item.

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*.

Consent required to use candidate name, photograph or likeness

section 196

Between the issue of the writ 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 at that election without the written consent of the candidate.

Campaigning – Other electoral offences

Restrictions within 100 metres of a polling place

section 177

A person must not (within 100 metres of a polling place):

- » 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.

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.

The TEC does not permit any election advertising to be located within or placed on the periphery of any site it has been leased for election purposes.

Polling day restrictions on electoral matter

section 198

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

Bribery and treating

sections 187 and 188

It is an offence for a person to dishonestly, or for an improper purpose, directly or indirectly –

- (a) promise or offer, or
- (b) give, or
- (c) ask for or receive –

any property or benefit of any kind with the intention of influencing a person's election conduct at an election.

Section 187(1A) provides that inexpensive items up to the value of three fee units are excluded from the offence of electoral bribery. A fee unit for 2025-2026 is \$1.91, so total cost of the item must not exceed \$5.73

It is also an offence to dishonestly, or for an improper purpose, directly or indirectly, supply food, drink or entertainment, or offer, promise or give a gift, donation or prize to or for any person, club, association or body with the intention of influencing a person's election conduct at an election.

Under section 188(1A), inexpensive food, drink or entertainment, and gifts, donations and prizes up to the value of three fee units (again, currently \$5.73) are excluded from the offence of electoral treating.

Candidates are strongly advised to read these sections of the *Electoral Act*.

Misleading and deceptive electoral matter

section 197

It is an offence to communicate, or permit or authorise the communication of, any electoral matter that:

- » is intended to, likely to or has the capacity to mislead or deceive an elector in or in relation to the recording of their vote,
- » contains incorrect or misleading information about whether a person is or is not a candidate, a candidate for a particular division, a registered member of a registered party or a party, or nominated or endorsed by a registered party,
- » uses the name, an abbreviation or acronym of the name or a derivative of the name of a registered party (including a name or abbreviation resembling such a name, abbreviation, acronym or derivative) in a way intended to, or likely to, mislead an elector,
- » uses the word 'independent' and the name or an abbreviation or acronym of the name, or a derivative of the name of a registered party in a way that suggests or indicates an affiliation with that party,
- » could result in an elector casting an informal vote,
- » contains an express or implied statement to the effect that voting is not compulsory, or
- » contains a statement intended or likely to mislead an elector in relation to whether the electoral matter is an official communication from the Commissioner or TEC.

Justices of the Peace

Candidates who are Justices of the Peace are advised to take note of the Code of Conduct contained in the *Justices of the Peace (Code of Conduct) Regulations 2019* which includes the following:

Reg. 7(5) An appointed justice must not convey, or permit another person to convey, the impression that the justice is in a special position of influence by reason of being a Justice of the Peace.

Reg. 7(6) An appointed justice must not use his or her office as Justice of the Peace for the purpose of benefitting his or her business, commercial or personal interests.

Mentioning JP status on campaign material may be considered to be an attempt to use the office for personal benefit or imply a special position of influence.

Radio and television advertisements

There are Commonwealth requirements in relation to radio or television advertising. The Commonwealth *Broadcasting Services Act 1992* provides that broadcast political advertisements must include certain 'required particulars'. The legislation can be found at 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 Communication 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 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, nor does the blackout include online services or print media.

Placement of posters and signs

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

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

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.

Permission: Candidates considering affixing signs in public places or to vehicles should ensure they do not breach 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 attention of road users could be distracted.

Offence to place electoral matter on electricity poles

It 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

Under the *Traffic Act 1925*, electronic billboards cannot be placed on a public street other than for traffic management or road safety purposes. This includes Variable Message Boards or VMBs.

Electronic billboards placed or left in a public place (other than on a public street) that can be read by an occupant of a motor vehicle on a public street with the naked eye must have the approval of the owner or occupier of that public place.

Queries or complaints relating to electronic billboards should be directed to the Department of State Growth - see https://www.transport.tas.gov.au/contact_us.

Electoral roadside signs on state roads

The *Roads and Jetties Act 1935* requires a permit to be issued by the Department of State Growth for the erection of any sign or banner, whether fixed or moveable (including signs mounted on trailers), within the state road reservation.

The Department of State Growth does not issue permits for election campaign advertising signs, or more generally, signs of a political nature on the state road network.

Any signs erected on a state road without a permit will be removed.

A map of state roads is available at

transport.tas.gov.au/managing_the_roads/who_owns_the_roads.

Queries or complaints related to roadside signs on a state road should be directed to the Department of State Growth. Visit transport.tas.gov.au/contact_us.

Notes

Notes



294 Elizabeth Street, North Hobart TAS 7000

PO Box 307, Moonah TAS 7009

Phone (03) 6208 8700

Fax (03) 6208 8791

ballot.box@tec.tas.gov.au

www.tec.tas.gov.au

www.facebook.com/ElectionsTas