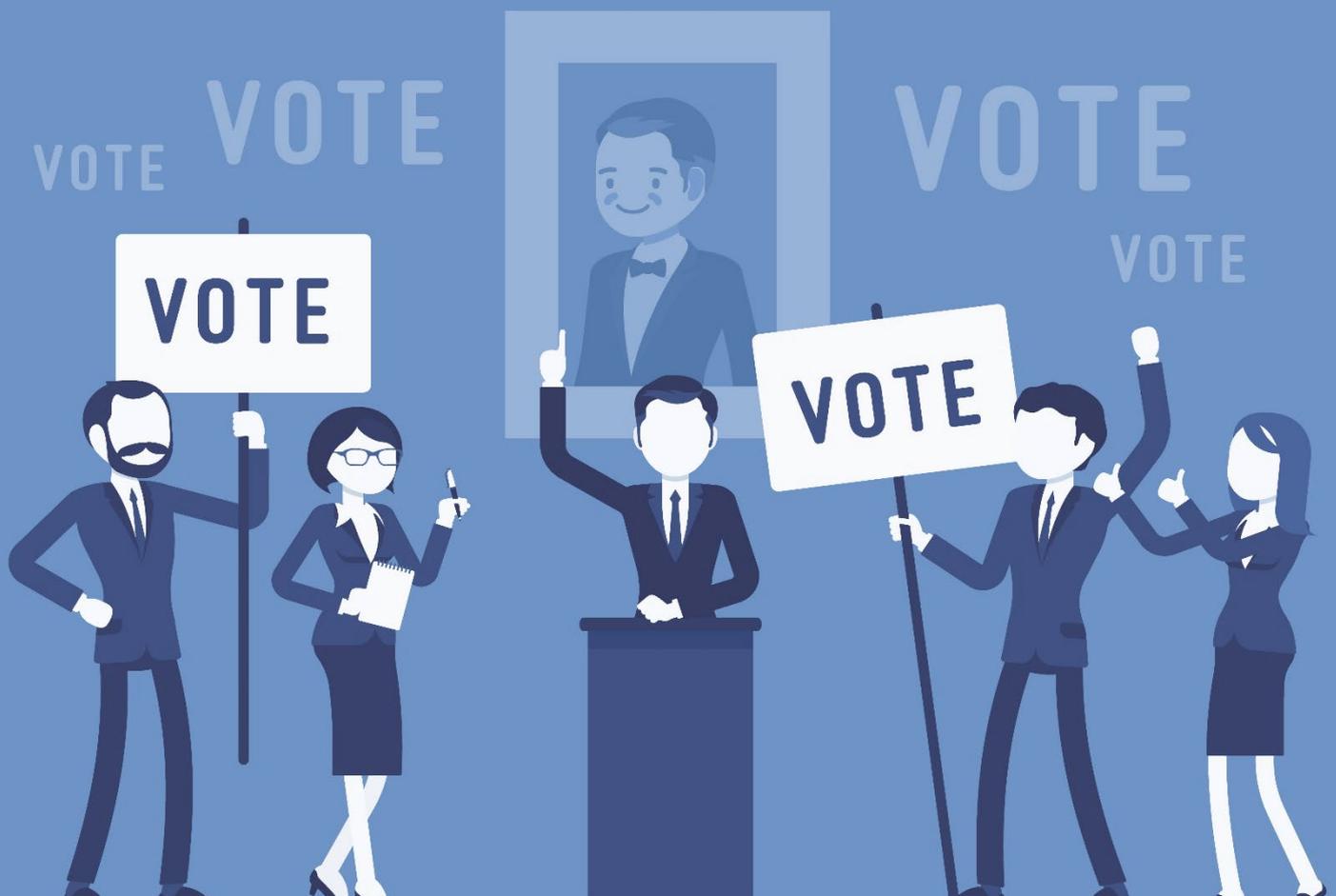


**Northern Territory  
Electoral Commission**  
*EVERY vote counts!*

# Candidate Handbook

Northern Territory Legislative Assembly  
General elections and by-elections



Published by the Northern Territory Electoral Commission

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## About this handbook

Are you thinking of standing or assisting someone to stand for election to the Northern Territory Parliament in either a general election or by-election? If so, you will need clear understanding of the legislative requirements you must meet, and of your role and responsibilities under the law.

Remember, you and your supporters can play a significant role in helping to ensure, as far as possible, that every vote cast in an election counts.

This handbook is published by the Northern Territory Electoral Commission (NTEC), the Territory agency which conducts Northern Territory elections, by-elections and referendums. The handbook covers the stages for the electoral process relevant to candidates.

Use the following acts in conjunction with this handbook:

- [Electoral Act 2004](#) (The Act)
- [Electoral Regulations 2004](#) (Electoral Regulations)
- [Northern Territory \(Self-Government\) Act 1978](#) (Self-Government Act)

Candidates must satisfy themselves about their own legal position and, if necessary, refer to the exact provisions of the Act and consult their own lawyers.

Offences relating to an election, whether they occur before or during an election, are listed in this document.

The NTEC can assist you by providing information of a general nature about the nomination process and campaign activity; however, we cannot provide you with formal or informal legal advice.

### How to use this handbook

The handbook explains the steps you will need to take to qualify as a candidate and to comply with the law before, during and after an election.

Again, this handbook is intended to assist candidates standing for election by explaining relevant processes and procedures. It is not, however, a substitute for the law.

### Public inspection

You need to be aware that many of the documents you submit to your candidacy will be made available for public inspection. These include details of your nomination form that you authorise for public release and your disclosure return. Exceptions may apply in certain circumstances.

### NTEC website

Because information can change during the life of a publication, the NTEC website is the best source of up-to-date information.

All forms and publications referred to in this handbook are available at [www.ntec.nt.gov.au](http://www.ntec.nt.gov.au).

## At this election?

### The nomination process

The sum to be deposited for nominating as a candidate is \$500. This deposit is returned if the candidate is either elected, withdraws his/her nomination before 12:00 noon on nomination day or obtains a total number of first preference votes which is more than one-fifth of the total first preference votes cast for the elected candidate.

### Financial disclosure

Financial disclosure laws affect political parties, their associated entities, candidates and third party campaigners.

The key features of the are:

- The cap on electoral expenditure is 40,000 monetary units. The current value of a monetary unit can be found at: <https://justice.nt.gov.au/attorney-general-and-justice/units-and-amounts/monetary-units>
- An indexed cap on electoral expenditure for individual candidates and increased transparency of political donations, particularly in election years.
- Availability of up-to-date information that can be accessed by the public before and during the election period.
- Candidates and/or political parties are required to operate a Territory campaign account using an authorised deposit-taking institution, used for NT election purposes.

## Timing of elections

### General elections

The legislative frameworks that govern Territory elections determine the election timetable and electoral processes. A general election is to be held on the 4<sup>th</sup> Saturday in August after the year in which the previous general election was held.

### By-elections

Where a casual vacancy occurs in the office of a member of the Legislative Assembly less than three years and six months after the first meeting of the Assembly following the last general election, a by-election shall be held in that electoral division.

The guiding principle in fixing the date of a by-election has always been to hold the election as early as possible so that the electors are not left without representation any longer than is necessary.

## Candidate kit

This handbook is part of a comprehensive candidate kit produced by the NTEC. Kits are available in hard-copy format or on a USB drive.

Independent candidates are encouraged to make an appointment with the NTEC early in the election period to discuss election arrangements.

## Candidate information sessions

A candidate information session will be conducted at an NTEC office. Dates and times are provided to candidates and are also available on the website. Candidates are encouraged to attend these sessions.

Registered political party briefings are held prior to the commencement of the election period.

## The writ

The writ is a document issued by the Northern Territory Administrator ordering the Electoral Commissioner to conduct an election for the Legislative Assembly. A single writ is issued for a general or by-election.

Upon receiving the writ, the Commission must endorse on it the date of its receipt and give public notice of its issue and details of dates relating to the election.

The writ specifies the following:

- **Close of electoral roll:** at 5:00 pm, one day after the date of the issue of the writ.
- **Close of nominations:** at 12:00 noon, seven days after the date of the issue of the writ.
- **Election Day:** Twenty-three days after the date of the issue of the writ.

After the declaration of the election results, the Electoral Commissioner endorses the writ with the names of all elected candidates and returns the writ to the Administrator.

## Nominations

Candidates can nominate any time from the issue of the writ until the close of nominations.

For your nomination to be accepted you must submit all required components of the nomination in the approved format and within the required timeframe. This includes the nomination deposit, candidate details and photograph.

You are encouraged to lodge your nomination as early as possible within the specified timeframe i.e. do not leave it until the day nominations close.

### Who can nominate as a candidate?

You are qualified to be a candidate for election if, at the date of nomination you:

- are an Australian Citizen
- have attained the age of 18 years
- are entitled, or qualified to become entitled, to vote at elections of members of the Legislative Assembly
- you have been a resident within the Commonwealth for at least 6 months and within the Territory for at least 3 months

### Disqualifications for nomination

You are not qualified to be a candidate for election if, at the date of nomination you:

- hold an office or appointment (other than a prescribed office or appointment) under a law of the Commonwealth, a State or Territory
- Not being the holder of any office or appointment under such a law - are employed by the Commonwealth, by a State or Territory or by a body corporate established for a public purpose by such a law
- are entitled to any remuneration or allowance (other the reimbursements of expenses reasonably incurred) in respect of that office, appointment or employment
- are an undischarged bankrupt
- have been convicted and under sentence of imprisonment for one year or longer for an offence against the law of the Commonwealth or of a State or Territory

## Employees of the Public Service

A [guide for employees](#) of the Northern Territory Public Service who wish to contest elections is available from the Office of Northern Territory's Commissioner for Public Employment (OCPE) and included in candidate packs distributed for each election. Federal public servants should refer the matter to their respective personnel officers.

If there is any doubt concerning a person's qualifications for election, it is highly recommended that private legal advice be obtained.

It is the responsibility of each prospective candidate to ensure that he/she is qualified for election to the Legislative Assembly in accordance with the Self-Government Act.

The nomination of an unqualified candidate may, on appeal to a Court of Disputed Returns, void the election and may cause another election with attendant costs.

### False or misleading statements

The attention of prospective candidates is drawn to section 287 of the Act, which provides for a penalty of 100 penalty units or six months imprisonment for making an untrue statement in any document required to be signed under the Act.

### Nomination forms

All nominations forms and handbooks can be found on the website or by contacting the NTEC. They can be lodged either in person at an NTEC office or by emailing [nominations.ntec@nt.gov.au](mailto:nominations.ntec@nt.gov.au).

If completed nomination forms are emailed you can also include your photo (i.e. jpeg, png etc.); however, you must remember to forward the endorsement stating your full name and a statement certifying that the photograph was taken within six months before lodgement.

**NOTE:** Nominees are strongly advised to confirm receipt of a nomination if not delivered in person.

Section 32 of the Act provides that a nomination must:

- (a) be in the approved form; and
- (b) state the name, residential address and occupation of the nominee; and
- (c) if the nomination is made by 6 electors entitled to vote at the election – state whether the word 'Independent' is to be printed on the ballot paper; and
- (d) contain a statement that the nominee consents to be nominated under this Division and to act as an MLA if elected; and
- (e) contain a declaration signed by the nominee that the nominee is qualified in accordance with Part III, Division 2 of the Self-Government Act to be a candidate for election as an MLA; and
- (f) be accompanied by a photograph of the nominee complying with the requirements prescribed by the Regulations; and
- (g) be accompanied by a deposit of an amount prescribed by regulation (the nomination deposit), paid in the manner and by the payment method prescribed by regulation; and
- (h) be signed by the nominee and the nominator or each nominator.

### Nominee's photograph

Regulation 3 of the Electoral Regulations provides that a nominee's photograph shall:

- be a black and white, full faced, vertical portrait photograph of the nominee's head and shoulders;
- have been taken within six months before lodgement of the nomination; and
- have endorsed on the reverse side the nominee's full name and a statement signed by the nominee certifying that the photograph was taken within six months before the lodgement of the nomination.

The Electoral Commission may accept a photograph of a nominee that does not comply with the above if the Commission is satisfied the nominee is readily recognisable in the photograph.

### Lodging a nomination

A nomination form, deposit and photo can only be lodged after the issue of the writ. This can be done during business hours at any NTEC office and *before 12:00 noon* on the day nominations close. Nominations may also be emailed; however, arrangements must be made to pay the nomination fee by calling the NTEC.

A candidate must be nominated by six electors for the division the candidate wishes to contest unless the candidate is endorsed by a registered political party, in which case the nomination may be lodged by the registered officer of the party.

Candidates and parties are strongly encouraged to make an appointment with the NTEC to lodge nominations and should not leave it until the day nominations close.

Appointments can be made by emailing [nominations.ntec@nt.gov.au](mailto:nominations.ntec@nt.gov.au) or by calling 1800 698 683.

### Withdrawal of nomination

A nominee may withdraw consent to the nomination by giving written notice in the approved [form](#) to the Commission before 12:00 noon on the day nominations close.

The registered officer of a registered political party may withdraw a nomination made by the officer by giving written notice in the approved [form](#) to the Commission before 12:00 noon on the day nominations close.

### Death of a candidate

If a candidate dies on or before election day or the successful candidate dies before the election is declared, the election is deemed to have failed and deposits are returned to all candidates.

In the event of a failed election, the Administrator issues a writ for a new election.

## Declaration of nominations

As soon as practicable after the close of nominations, the Commission publicly declares the names of all candidates and, if endorsed by a registered political party, the name of the party.

The declaration is made at the NTEC office, or other place decided by the Commission and notified in the *Gazette*.

Following the declaration of nominations, the Electoral Commissioner will display a notice stating the name and address, as stated on the nomination form, of each candidate.

The Commission may also display notices at other places in the Territory the Commission considers appropriate (e.g. Website, newspaper).

In the event of only one nomination being received, that candidate is declared as duly elected.

As soon as practicable after the candidates have been declared, the Commission conducts a random number draw to determine the order of candidates' names to appear on the ballot paper.

Any person may be present for the declaration. The media is invited and usually attends.

## Ballot papers

Each candidate's photograph and the candidate's political party or the word 'Independent' (if requested on the nomination form) will be printed on the ballot paper.

You may request an abbreviated given name to appear on the ballot paper; this can be done on the nomination form. However, surnames/family names cannot be abbreviated and obscene and frivolous names, nicknames and names adopted for an ulterior motive cannot be used.

## Independent candidates

If you are not endorsed by a registered political party you may request the word 'Independent' be printed on the ballot paper underneath your name. If you do not make this request the space below your name will be left blank.

## Voting system

### Full preferential

The voting system used is full preferential where the voter must show a preference for all candidates listed on the ballot paper.

A voter must place the number 1 in the candidate square on the ballot paper for the candidate they choose as their first preference.

The voter must then place consecutively increasing whole numbers (starting with the number 2) in the candidate square on the ballot paper for each of the other candidates until a number is placed in all candidate squares.

## Voting options

### Early voting

All electors have the option of voting before election day. Early voting centres are established in various locations across the Territory and locations and operating hours are available on the website after the writ is issued.

Votes cast early are counted after 6:00 pm on election day at pre-determined scrutiny centres. Candidates will be advised of exact counting times and locations prior to election day.

### Postal voting

There are two ways of obtaining a postal vote under the Act:

- an eligible elector may register on an ongoing basis as a [General Postal Voter](#) with the Australian Electoral Commission (AEC)
- an elector may complete an online or paper based [postal vote application](#).

**General Postal Voters (GPV)** – After an election has been announced and ballot papers printed, a postal vote certificate and ballot paper/s are automatically issued and forwarded to an elector who has pre-registered as a GPV.

**Application for a postal vote** – Online postal vote [application forms](#) are available from the NTEC website.

You can also obtain an application from NTEC offices, post offices and early voting centres or by calling the Commission on 1800 698 683.

Applications will be processed and dispatched with postal ballot material as soon as possible after nominations close.

The mail-out of ballot material ceases at 5:00 pm on:

- the Tuesday before election day for a forwarding address outside Australia
- the Thursday before election day for forwarding address within Australia.

**IMPORTANT:** Any candidate or campaign official in receipt of an elector's completed postal vote application must forward or deliver it without delay to the NTEC for timely processing.

### Return of postal ballot papers

In order to be admitted to the count, a postal vote ballot paper must be completed before 6:00 pm on election day and received by the NT Electoral Commission by 12:00 noon on the second Friday after election day (refer to the election timetable on the NTEC website).

### Mobile voting

Mobile voting commences 12 days before election day and up to 6:00 pm on election day itself. It takes place in hospitals, nursing homes, hostels, correctional centres and in remote locations.

Voting teams operate at set dates and times and all candidates will be advised in advance of mobile voting details in both urban and remote localities.

Mobile voting timetables are advertised locally and published on the NTEC website. If changes occur to the timetable (e.g. due to weather conditions, sorry business etc.) candidates are advised and the changes notified on the website.

Voting hours for mobile voting vary according to the number of electors to be serviced. Wherever possible, itineraries for mobile voting teams are created taking into account the routine movements of electors and any identified best voting times and dates for locations concerned.

### Election day voting centres

Election day voting centres are appointed in locations where significant numbers of electors are enrolled and a full day of voting is appropriate. Election day voting centres operate from 8:00 am until 6:00 pm.

All voting centre locations are widely advertised in newspapers and on the website.

### Absent voting

If an elector attends a voting centre outside their division, they will cast an absent vote which is placed in a declaration envelope and counted after election day.

### Aboriginal land and permits

Candidates, scrutineers and other workers should contact the relevant land council to apply for permits in accordance with the [Aboriginal Land Rights \(Northern Territory\) Act 1976](#).

More information can be found on the NT Government website at [www.nt.gov.au](http://www.nt.gov.au)

### Appointment of scrutineers

Candidates may appoint a scrutineer to represent them during the voting or scrutiny (or both).

Scrutineer appointment forms are available on the website, NTEC offices and in the candidate pack. Scrutineers must present their appointment forms to the Officer in Charge (OIC) of the voting centre or scrutiny centre.

Scrutineers are required to sign an undertaking that they will not attempt to influence the vote of any elector or disclose knowledge officially acquired concerning the vote of an elector.

### Rights and responsibilities of scrutineers

One scrutineer per candidate is permitted to remain in the voting centre during voting hours. During the determination of the election result, one scrutineer per candidate per count table may be present while the count is in progress.

A scrutineer will be issued with a name tag and a vest to wear while they are in a voting centre. If they leave the voting centre both the name tag and vest are to be returned to the OIC.

A scrutineer **MAY**:

- come and go during voting hours or the determination of the election result – his/her place may be taken by another duly appointed scrutineer
- observe all voting and counting procedures with the exception of an elector actually voting (unless the elector is assisted to vote by an electoral official).

A scrutineer **MUST NOT**:

- touch ballot papers
- interfere with or attempt to influence any voter
- disclose knowledge concerning the vote of any person
- wear anything promoting a candidate or political party within a voting centre
- deliberately show or leave how-to-vote material in the voting centre
- communicate with any person in a voting centre other than in the exercise of their functions as a scrutineer
- help with the clearing of voting screens or removal of material from the voting centre
- interfere in any way with the count.

If a scrutineer wishes to object to any procedure or question staff in any way, he/she should see the OIC of the voting centre. Details of any objections will be formally recorded.

If a scrutineer objects to the formality of a ballot paper, it will be set aside for the OIC of the voting centre to examine. The OIC will write 'admitted' or 'rejected' on the back of the ballot paper according to his/her decision. The ballot paper is then sorted appropriately.

All decisions on the formality of ballot papers are subject to review during the check-count (recheck) of ballot papers conducted by the Commission.

The recheck may also be attended by scrutineers on the basis of one scrutineer per counting table.

#### **Assistance to electors**

A voter who is unable to vote may be assisted. An assistant must be a nominee of the voter or, if there is no nominee, the OIC of the voting centre will provide assistance.

An assistant may enter a voting compartment to assist a voter to vote, but the OIC must do so in the presence of either a scrutineer (if available) or another officer.

**NOTE:** Scrutineers must not attempt to communicate with the voter in any way while he/she is in the process of voting.

Voter assistance may be delivered in any of the following ways:

- by acting as an interpreter
- for a declaration vote – by completing, or assisting the voter to complete, the declaration envelope
- by explaining the instructions on the ballot paper and the requirements of the Act relating to its marking
- by marking, or assisting the voter to mark, the ballot paper at the voter's direction
- by folding the ballot paper and placing it in a ballot box or declaration envelope, or giving it to an officer, as required by the Act.

### Campaigning activities near voting centres

A person must not engage in a campaigning activity during voting hours:

- within 10 metres of the entrance to an **early voting centre**. This includes all early voting centres and mobile voting locations.
- within 100 metres of the entrance to an **election day voting centre**.

**NOTE:** The Commission may designate an alternate prohibition zone for an election day voting centre e.g. entire school grounds.

Campaigning activity means:

- canvassing for votes
- soliciting the vote of a person
- inducing a person not to vote for a particular candidate
- inducing a person not to vote at the election
- exhibiting a notice or sign relating to the election
- using a loud speaker, public address system or any other tool to enhance the volume of a sound to broadcast matter that is audible.

### Designated campaign area (election day)

The Commission may assign an area within the prohibition zone where limited campaign activity is allowed. Each registered candidate will be allowed up to three campaign workers in the designate area and each person must complete the relevant [appointment form](#).

A person engaged to represent a candidate in the designated campaign area will be able to conduct the following:

- Canvass for votes
- Solicit the vote of a person
- Hand out how-to-vote cards

**NOTE:** A designate campaign area must be

- Accessible to voters; and
- Avoidable by voters who do not wish to engage with campaigners.

The Commission will provide written notice to all candidates of the designated campaign area as soon as practicable after it is confirmed. If there is any doubt about an exclusion zone or designated area, campaigners should confer with the OIC of the voting centre.

### Complaints

Any complaints during an election period should be made in writing to the Electoral Commissioner for assessment. Some complaints may need further investigation and, if appropriate, legal proceedings may follow. If a candidate believes an illegal practice has occurred which has affected the election outcome, he/she is able to petition the Court of Disputed Returns.

The Electoral Commissioner will not discuss the detail of a complaint with the media although the media might wish to discuss an issue with persons associated with a complaint.

Email complaints to [ntec@nt.gov.au](mailto:ntec@nt.gov.au).

## Counting the votes

### Election night

#### First preference count

Immediately after a voting centre closes, electoral officials open the ballot boxes and unfold the ballot papers. Ballot papers are then sorted to the number '1' votes (first preferences) for each candidate and counted. Informal ballot papers are counted separately (ballot papers that are not completed correctly are referred to as informal ballot papers).

The first preference results for each candidate are phoned through to the NTEC, along with the number of informal ballot papers. The figures are then data-entered and transmitted to the results page on the website.

#### Two-candidate preferred count

Following the first preference count, electoral officials conduct an indicative two-candidate-preferred (TCP) count – a distribution of ballot papers to two selected candidates. This result is then phoned through to the NTEC and added to the results page.

The two selected candidates are those expected to receive the most first preference votes. The TCP count is conducted to give an early indication of who is most likely to win each seat, as this is not always clear from first preferences.

The NTEC selects the two candidates for the TCP count based on a number of factors including historical voting patterns in previous elections. The names of the two candidates are kept confidential until the close of the voting.

The ballot papers for all other candidates are examined to see which of the two selected candidates the voter has put ahead in their preferences. The ballot papers are then sorted to the candidate who has the highest preference. This process ends up with all ballot papers being allocated to one or other of the two selected candidates to give a TCP count result.

The NTEC is required to undertake the indicative TCP count under subsections 123 (1), (2) and (3) of the Act. The intent is to assist with a quicker understanding on election night of the party or parties likely to form Government. In instances where it is evident that one or both of the leading candidates differ from that selected, then the TCP count is restarted and preferences distributed to the correct two leading candidates in the days following the election night count.

The first preference, TCP, and full distribution of preferences counts are observable by scrutineers and the results published on the website.

One scrutineer per candidate per counting table may attend the count. Unless advised to the contrary, two counting tables will be in operation at voting centres and one counting table at any subsequent counts at the NTEC offices.

### **Post-election night**

The initial count of votes conducted on election night is followed by a 'fresh scrutiny' of ballot papers (also known as a recheck or check count). These counts commence in the week following election day in designated out-posted scrutiny centres.

All ordinary votes received from every voting centre in each division are rechecked. Some ballot papers that were treated as informal on election night may be admitted to the count, and similarly ballot papers previously regarded as formal may be reclassified as informal.

Corrected count figures will result in a change to the figures displayed on website.

Electors voting by post have until 12.00 noon on the second Friday after election day to return their postal ballot papers. Preferences are not usually distributed before the cut off for the return of postal ballot papers.

### **Ballot paper formality provisions**

A ballot paper is only formal if the voter has indicated a first preference and consecutively numbered all squares. A number in the series may not be repeated or skipped. If one square is left blank and all other squares have been numbered in a consecutive sequence starting with the number '1', the paper is formal providing:

- the blank square is the last in the consecutive sequence; and
- there is no marking at all in the square.

Alterations to numbers will not make a ballot paper informal, provided the voter's intention is clear, for example a number can be crossed out and another number written beside it.

There are five overarching principles that must be considered when interpreting the numbers on any ballot paper that has passed the initial two tests.

They are:

- Start from the assumption that the voter has intended to vote formally. The assumption needs to be made that an elector who has marked a ballot paper has done so with the intention to cast a formal vote.
- Establish the intention of the voter and give effect to this intention. When interpreting markings on the ballot paper, these must be considered in line with the intention of the voter.

- Err in favour of the franchise. In the situation where the voter has tried to submit a formal vote, i.e. the ballot paper is not blank or defaced, doubtful questions of form should wherever possible be resolved in the voter's favour.
- Only have regard to what is written on the ballot paper. The intention of the voter must be unmistakable, i.e. do not assume what the voter was trying to do if it's not clear – only consider what was written on the ballot paper.
- The ballot paper should be construed as a whole by considering the number in each square as one in a series, not as an isolated number, a poorly formed number MAY be recognisable as the one missing from the series.

### Distribution of preferences

To be elected, a candidate must receive a majority of the total formal votes in the count (i.e. 50% + 1). *For example* - if there are 4,000 formal ballot papers in the count, the absolute majority of votes is calculated as:  $4,000 \div 2 = 2,000 + 1 = \mathbf{2,001}$ .

If:

- a candidate has a majority of the votes, the candidate is elected and no further counting is necessary
- no candidate receives a majority, the candidate with the least number of formal votes is 'excluded' and that candidate's ballot papers are re-sorted to the candidate next in order of the voter's preferences

The process of exclusions is repeated until one candidate gains more than half of the formal votes remaining in the count and is elected.

See section 128 of the Act for a more detailed explanation of how a distribution of preferences is conducted.

## Declaration of the election result

As soon as practicable after the results of an election have been determined, the Commission publicly declares the results. Candidates and parties will be advised the relevant details of this public event.

## Recounts

At any time before the declaration of the results, certain individuals (including a candidate) may make a request, in writing, to the Electoral Commissioner, for a recount. The grounds for the request are:

- A request for a recount needs to identify specific ballot papers and associated significant counting process errors or irregularities that could change the result of an election within a division, unless the margin of votes on the initial count is 100 or less, in which case a recount will be undertaken at the Commission's initiative as stated in section 130(2)(b) of the Act.
- A recount may be undertaken, approved or directed at any time before the result of an election is declared. It should not be confused with the routine re-check (fresh scrutiny) of all votes. View the [recount policy](#).
- In the absence of specifically alleged errors it is unlikely that a recount would be required except where the vote margin is 100 or less.
- Consistent with the practise of identifying close seats to be followed during counting, senior officers will monitor progress in close seats, to ensure that additional experienced support and resources are readily available to address the inevitable and appropriate increase in expectations in regard to transparency and attention to detail that arises in close counts.

The Electoral Commissioner may also order a recount on his or her volition.

## Disputed elections

The following persons are entitled to dispute the validity of an election:

- a candidate in the election;
- an elector entitled to vote at the election;
- the Commission;
- a person whose nomination as a candidate was rejected by the Commission.

The validity of an election may be disputed by petition addressed to the Court of Disputed Returns.

Procedures for disputing an election are laid down in Part 12 of the Act. Any person contemplating a challenge, should consult his/her own legal advisers.

## Advertising and campaigning

Candidates should ensure they are familiar with the relevant provisions of the electoral offences listed in the Act (see Attachment A).

### Campaign material and electoral matter

**Campaign material** includes any advertisement or document etc., intended to promote the electoral prospect of a candidate or group of candidates for an election, for example:

- an electoral advertisement
- a printed document such as a handbill, pamphlet, how-to-vote card
- a message containing electoral matter that is sent by telephone or broadcast by electronic means
- published material containing an electoral matter that is published.

**Electoral matter** is matter, in printed or electronic form, that is intended or likely to affect voting at an election.

Matter is taken to be intended or likely to affect voting at an election if it contains an express or implicit reference to or comment on:

- the election; or
- a candidate for the election; or
- the performance of the Government or opposition or a previous Government or opposition; or
- the performance of an MLA or former MLA; or
- the performance of a political party in the election; or
- an issue submitted to, or otherwise before, the electors in relation to the election.

Campaign material, both printed and in electronic format, must have:

- the name and address of the person authorising the advertisement
- if a printed document, the name and address of the printing company stated at the end
- if the material is intended to be viewed from two sides – the above-mentioned authorisations must appear on both sides
- The source of the funding for that material, whether a political party, candidate, associated entity, third party campaigner or otherwise.

Letters to the editor of a newspaper, if published, require the name and address of the author (street name/suburb is deemed sufficient).

A person must not publish or distribute any campaign material that is likely to:

- mislead a voter; or
- deceive a voter; or
- improperly interfere with a voter casting a vote; or
- contains an untrue or incorrect statement.

### Push-polling

A person must, before conducting any push-polling, state clearly the name and address of the person authorising the push-polling:

- for push-polling conducted by telephone – to the receiver of the call
- for push-polling conducted in a meeting with another person – to the other person.

### Electronic advertising – radio, TV, internet

Schedule 2 of the Commonwealth [Broadcasting Services Act 1992](#) outlines provisions relating to the broadcasting and televising of political matter. It requires that political matter broadcast by a person other than a political party should state (**and** record in word images on screen if using television):

- the name of the person authorising the broadcast and
- the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office is situated.

The required particulars must be broadcast in the same language as the political matter.

Broadcasting and televising of election advertisements are prohibited in State/Territory parliamentary elections from midnight on the Wednesday preceding election day until the close of voting on election day.

Internet advertising using social media e.g. Facebook, Twitter, must carry the name and address of the authoriser.

Read the [political and election matter guidelines](#) available at the Australian Communications and Media Authority (ACMA) [website](#).

### Placement of signage

Candidates and political parties should check signage policies and by-laws of their local council, Department of Infrastructure, and Power and Water Corporation when determining where to place campaign material.

During election campaigns a number of complaints are received concerning the placement of signs in public areas and on private property. Check council policies and guidelines when determining where to place campaign material to best effect and be mindful of safety, size and content.

Ask permission from building and/or property owners before putting up signage.

### Signage by-laws, codes and policies

- Alice Springs Town Council [signage guidelines](#)
- Darwin, City of – [election signage](#)
- Department of Infrastructure, Planning and Logistics – [election signage policy](#)
- Katherine Town Council – [signs code](#)
- Palmerston, City of – [advertising signs code](#)
- Power and Water Corporation – [campaign signage](#)

## Financial disclosure

### Financial disclosure requirements

Changes to the Act provides a scheme to regulate political donations and campaign expenditure across candidates, political parties, associated entities and third party campaigners. The reforms introduced an indexed cap of 40,000 monetary units on electoral expenditure for individual candidates and increased the transparency of political donations, particularly in election years, to maximise the availability of up-to-date information that can be accessed by the public before and during the voting period. To further assist this requirement, a candidate and/or political party are required to operate a Territory campaign account using an authorised deposit taking institution, used for NT election purposes.

Candidates, parties, associated entities and third party campaigners will be required to submit the following returns to the NTEC for publication:

#### General election

- Two quarterly reports during the period 1 January to 30 June
- A pre-election donation report from 1 July to the day the writ is issued
- A report prior to election day from the day after the writ is issued to 17 days after that
- A post-election report from 18 days after the writ is issued to 30 days after election day

#### By-election

- A pre-election donation report from 1 July to the day the writ is issued
- A report prior to election day from the day after the writ is issued to 17 days after that
- A post-election report from 18 days after the writ is issued to 30 days after election day

Detailed information on the reporting requirements of a candidate can be found on the website under [information sheets](#).

## Agents

Each candidate may appoint an agent. Candidates who do not appoint an agent will be taken to be their own agent and will be responsible for lodging their own disclosure return. Candidates endorsed by a registered party will have a reporting officer appointed by the party.

### Retention of records

All relevant records that support disclosures made in returns must be kept for a minimum of four years starting from election day.

## Electoral offences

### [Electoral Act 2004](#)

Candidates should be aware of all offences outlined in the Act ([see attachment A](#)).

### [Criminal Code Act 1983](#)

The NT *Criminal Code Act*, Part IV, Division 3 outlines offences relating to corrupt and improper practices at elections (see attachment B).

## **Electoral offences (Part 13 div 1)**

### **Subdivision 1 Protection of election rights and duties**

#### **264 Interfering with election right or duty**

A person must not interfere with the free exercise or performance, by another person, of a right or duty under this Act relating to an election.

Maximum penalty:     If the offender is a natural person – 400 penalty units or imprisonment for 2 years.  
                              If the offender is a body corporate – 2 000 penalty units.

#### **265 Making false statements about entitlement to vote**

(1) A person must not inform another person that the other person is not an elector if the other person is an elector.

Maximum penalty:     200 penalty units or imprisonment for 12 months.

(2) A person must not inform another person that the other person is not an elector for a particular division if the other person is an elector for the division.

Maximum penalty:     200 penalty units or imprisonment for 12 months.

#### **266 Improperly influencing voters**

(1) A person must not, by violence or intimidation, influence the vote of another person at an election.

Maximum penalty:     If the offender is a natural person – 200 penalty units or imprisonment for 12 months.  
                              If the offender is a body corporate – 1 000 penalty units.

(2) An officer must not, in exercising a power or performing a function under this Act, do anything to influence the vote of another person at an election.

Maximum penalty:     If the offender is a natural person – 200 penalty units or imprisonment for 12 months.  
                              If the offender is a body corporate – 1 000 penalty units.

#### **267 Secrecy of vote**

(1) A person who is present when a voter votes must not:

- (a) ascertain or disclose by word, act or in another way the voter's vote; or
- (b) directly or indirectly require, induce or attempt to induce the voter to show how the voter intends to vote; or
- (c) communicate with or assist the voter while voting or look at the voter's ballot paper; or
- (d) interfere with the voter's casting of a vote.

Maximum penalty:     200 penalty units or imprisonment for 12 months.

## **Subdivision 2 Campaigning offences**

### **268 Definitions**

In this Subdivision:

**alternate prohibition zone** means an alternate prohibition zone designated under section 275A.

**campaigning activity** means any of the following:

- (a) canvassing for votes;
- (b) soliciting the vote of a person;
- (c) inducing a person not to vote for a particular candidate;
- (d) inducing a person not to vote at the election;
- (e) exhibiting a notice or sign relating to the election.

**designated campaign area** means an area designated under section 275B.

**distribute** means print, publish, produce or disseminate.

**newspaper** means a newspaper published or distributed in the Territory.

### **268A Meaning of campaign material**

(1) Campaign material is an advertisement, document or any other thing that is intended to promote the electoral prospect of a particular candidate or group of candidates for an election.

(2) Without limiting subsection (1), campaign material includes any of the following:

- (a) an electoral advertisement;
- (b) a printed document containing an electoral matter (for example, a handbill, pamphlet or how-to-vote card);
- (c) a message containing an electoral matter that is sent by telephone or otherwise broadcast by electronic means;
- (d) material containing an electoral matter that is published.

(3) The Commissioner may, in writing, declare a thing mentioned in subsection (1) or (2) is not campaign material.

(4) The Commissioner may do so only if the Commissioner is satisfied the declaration is warranted having regard to all of the following:

- (a) any information contained in the thing and the way in which the information is presented;
- (b) the person for whom the thing is created;
- (c) the way in which the thing is intended to be used or distributed;
- (d) any other matters as the Commissioner considers appropriate.

### **269 Application of Division**

This Division applies to the publication or distribution of advertisements, newspapers, electoral articles and other documents during the election period for an election.

**270 Offences relating to campaign material**

(1) A person must not publish or distribute any campaign material unless:

- (a) the material clearly states, in a sufficient font size to be read by the intended audience for the material and given the type of material, the name and address of the person authorising the publication or distribution; and
- (ab) the material clearly identifies, in a sufficient font size to be read by the intended audience for the material and given the type of material, the source of the funding for that material, whether a political party, candidate, associated entity, third party campaigner or otherwise; and
- (b) if the material is a printed document – the material includes the name and address of the printer who printed the document; and
- (c) if the material is intended to be viewed from 2 sides – the information mentioned in paragraphs (a) and (b) is included on both sides.

Maximum penalty: 100 penalty units.

(2) Subsection (1) does not apply to the announcement by advertisement in a newspaper of the holding of a meeting.

(3) A person must not publish or distribute any campaign material that:

- (a) is likely to:
  - (i) mislead a voter; or
  - (ii) deceive a voter; or
  - (iii) improperly interfere with a voter casting a vote; or
- (b) contains an untrue or incorrect statement.

Maximum penalty: 100 penalty units.

**271 Offence relating to push-polling**

(1) A person must, before conducting any push-polling, state clearly the name and address of the person authorising the push-polling:

- (a) for push-polling conducted by a telephone call – to the receiver of the call; or
- (b) for push-polling conducted in a meeting with another person – to the other person.

(2) The person authorising the push-polling commits an offence if subsection (1) is contravened because of an act or omission of the person.

Maximum penalty: 100 penalty units.

(3) In this section:

**push-polling** means any activity conducted as part of a telephone call made, or a meeting held, during the election period for an election, that:

- (a) is, or appears to be, a survey (for example, a telephone opinion call or telemarketing call); and
- (b) is intended to influence a voter in deciding their vote.

**272 Heading of advertisements**

(1) This section applies to the publication in a newspaper of an advertisement if any payment, reward, compensation or promise is or is to be made for the publication.

(2) The proprietor of the newspaper must ensure the word "advertisement" is printed as a headline, in letters not smaller than 10 point, to the advertisement.

(3) In this section:

**advertisement** means:

- (a) an article or paragraph containing electoral matter; or
- (b) a report of a speech of a candidate in an election.

**273 Electoral articles to be signed or state particulars of author**

(1) A person must not distribute a circular, pamphlet or handbill containing an electoral article unless:

- (a) the article is signed by the author; or
- (b) the true name and address of the author is stated at the end of the article.

Maximum penalty:       If the offender is a natural person – 100 penalty units.  
                                  If the offender is a body corporate – 500 penalty units.

(2) The proprietor of a newspaper must ensure an electoral article published in the newspaper contains the true name and address of the author at the end of the article.

Maximum penalty:       If the offender is a natural person – 100 penalty units.  
                                  If the offender is a body corporate – 500 penalty units.

(3) Subsections (1) and (2) do not apply to the publication in a newspaper of:

- (a) a leading article; or
- (b) an article that consists solely of a report of a meeting and does not contain any comment, other than comment made by a speaker at the meeting.

Maximum penalty:       If the offender is a natural person – 100 penalty units.  
                                  If the offender is a body corporate – 500 penalty units.

(4) In this section:

**address**, of the author of an electoral article, means:

- (a) if the author is the registered officer of registered party – the party's address; or
- (b) if the author is the proprietor of a newspaper or an employee of the proprietor of a newspaper – the proprietor's business address; or
- (c) otherwise – the street name (if any) and locality of the author's residence.

**electoral article** means an article, report, letter or other matter, or part of an article, report, letter or other matter, commenting on a candidate or political party or the issues being submitted to, or otherwise before, the electors at an election.

**274 Exemptions for distribution of electoral articles**

(1) Section 273(1) does not apply to electoral matter on any of the following items unless the item includes a representation of a ballot paper:

- (a) a letter from an MLA that includes the name of the MLA and an indication that the person is an MLA;
- (b) a press release published by or for an MLA that includes the name of the MLA and an indication that the person is an MLA;
- (c) an annual report required under an Act or another publication of an Agency;
- (d) a business or visiting card that promotes the candidacy of a person in an election.

(2) In this section:

**publication**, of an Agency, does not include a publication that is published for the first time within 6 months immediately before a general election if the publication includes a picture of an MLA.

**275 Campaigning activities near voting centres**

(1) Subject to section 275B, a person must not engage in a campaigning activity during voting hours:

- (a) within 100 metres of the entrance of an election day voting centre, including airspace; or
- (b) if an alternate prohibition zone has been designated for the election day voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units.

(2) Subject to section 275B, a person must not engage in a campaigning activity at any time during the election period other than during voting hours:

- (a) within 10 metres of the entrance of an early voting centre; or
- (b) if an alternate prohibition zone has been designated for the early voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units.

(2A) Despite subsection (2), if an election day voting centre is situated on grounds within an enclosure, the boundaries of the alternate prohibition zone must be the boundaries of the enclosure.

(3) Subject to section 275B, a person must not engage in a campaigning activity during the election period:

- (a) within 10 metres of the entrance of a mobile voting centre; or
- (b) if an alternate prohibition zone has been designated for the mobile voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units.

(4) A person must not engage in a campaigning activity by using a loud speaker, public address system or any other tool to enhance the volume of a sound to broadcast matter that is audible:

- (a) within 100 metres of the entrance of an election day voting centre or a mobile voting centre during voting hours; or
- (b) within 10 metres of the entrance of an early voting centre or a mobile voting centre at any time during the election period other than during voting hours on election day; or
- (c) if an alternate prohibition zone has been designated for a voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units

### ***275A Alternate prohibition zone***

(1) The Commission may designate an alternate prohibition zone for a voting centre.

(2) The boundaries of the alternate prohibition zone must be between 10 and 100 metres of the voting centre.

(3) Subject to subsection (4), the Commission must give written notice of the alternate prohibition zone to each candidate in the relevant division as soon as practicable after it is designated.

(4) If the alternate prohibition zone is designated on a day that a vote will be cast at the voting centre, the Commission must give notice to each candidate in the relevant division and the notice must be reasonable and practicable in the circumstances.

### ***275B Designated campaign areas***

(1) The Commission may designate an area to be a designated campaign area in a place where campaigning activity is prohibited under section 275 or 275A.

(2) A person may engage in the following conduct in a designated campaign area:

- (a) canvass for votes;
- (b) solicit the vote of a person;
- (c) hand out how-to-vote cards.

(3) A designated campaign area must be:

- (a) large enough to allow up to 3 campaigners for each candidate registered in the relevant division; and
- (b) accessible to voters; and
- (c) avoidable by voters who do not wish to engage with campaigners.

(4) The Commission must give written notice of the designated campaign area to each candidate in the relevant division as soon as practicable after it is designated.

### ***276 Badges, emblems etc. in voting centres***

A person must not wear or display in a voting centre a badge, emblem, poster or other thing associated with a political party or candidate.

Maximum penalty: 5 penalty units.

**277 Exhibition of electoral matter in voting centres**

(1) A person must not exhibit in a voting centre a card or paper containing electoral matter.

Maximum penalty: 5 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

**278 Publication of statements regarding candidates**

(1) A person must not publish or authorise to be published, on behalf of an entity, a statement:

- (a) expressly or impliedly claiming a candidate in an election is associated with, or supports the policy or activities of, the entity; or
- (b) expressly or impliedly advocating a candidate should be given the first preference vote in an election.

Maximum penalty: If the offender is a natural person – 100 penalty units or imprisonment for 12 months.  
If the offender is a body corporate – 500 penalty units.

(2) Subsection (1) does not apply if the candidate gives written authority to the publication of the statement.

(3) In a proceeding for an offence against subsection (1), it must be presumed, unless the contrary is proved, that a statement purported to be made on behalf of an entity was made on behalf of the entity.

(4) This section does not apply to a statement that:

- (a) is published on behalf of a registered party; and
- (b) relates to a candidate nominated by the party who has publicly declared his or her candidature to be on behalf of, or in the interests of, the party.

**Corrupt and improper practices at elections (Part IV div 3)****87 Undue influence**

Any person who:

- (a) uses or threatens to use any force or restraint, or does or threatens to do any temporal or spiritual injury, or causes or threatens to cause any detriment of any kind, to an elector in order to induce him to vote in a particular manner or to refrain from voting at an election or on account of his having voted at an election; or
- (b) by force or fraud prevents or obstructs the free exercise of the franchise of an elector, or by any such means compels or induces an elector to vote in a particular manner or to refrain from voting at an election,

is guilty of a crime and is liable to imprisonment for 3 years.

**88 Bribery**

Any person who:

- (a) gives, confers or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon or for any person any property or benefit of any kind on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at an election in the capacity of an elector or in order to induce any person to endeavour to procure the return of any person at an election, or the vote of any elector at an election;
- (b) being an elector, asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him at an election in the capacity of an elector;
- (c) asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of a promise made by him or any other person to endeavour to procure the return of any person at an election, or the vote of any person at an election; or
- (d) advances or pays any money to or for the benefit of any other person with the intent that such money shall be applied for any of the purposes mentioned in paragraph (a), (b) or (c), or in discharge or repayment of money wholly or in part applied for any such purpose,

is guilty of a crime and is liable to imprisonment for 3 years.

**89 Further penalty for corrupt practices**

(1) Any person found guilty of any of the crimes defined by section 87 or 88 with respect to an election of the Legislative Assembly becomes incapable for 3 years from the date of the finding of guilt of voting at any such election or of holding any judicial office and, if he holds any such office, the office is vacated.

(2) He also becomes incapable for the like period of being elected to or of sitting in the Legislative Assembly; and, if at the time of the finding of guilt he is a member of it, his seat is vacated.

(3) Any person found guilty of such a crime committed with respect to a local government election becomes incapable, for 2 years from the date of the finding of guilt, of holding any local government office and, if he holds any such office, the office is vacated.

**90 *Illegal practices***

Any person who:

- (a) being prohibited by law from voting at an election and knowing that he is so prohibited votes at the election;
- (b) procures any person who is, and whom he knows to be, prohibited from voting at an election to vote at the election;
- (c) before or during an election, and for the purpose of promoting or procuring the choice of any candidate at the election, knowingly publishes a false statement of the withdrawal of another candidate at the election;
- (d) before or during an election, and for the purpose of affecting the return of a candidate at the election, knowingly publishes a false statement of fact respecting the personal character or conduct of the candidate;
- (e) being a candidate at an election withdraws from being a candidate in consideration of a payment or promise of payment; or
- (f) being a candidate or the agent of a candidate at an election corruptly procures any other person to withdraw from being a candidate at the election in consideration of any payment or promise of payment,

is guilty of a crime and is liable to imprisonment for 3 years.

**91 *Placing false ballot-papers in ballot-boxes***

Any person who places in a ballot box a ballot paper that has not been lawfully handed to and marked by an elector is guilty of a crime and is liable to imprisonment for 7 years.