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Nomination Guide for Candidates

Federal
Parliamentary
Elections



AEC

Australian Electoral Commission

If you're thinking about standing as a candidate for the Commonwealth Parliament, this pamphlet outlines the steps you will need to take when nominating for the Senate or the House of Representatives.

The information in this pamphlet is current as at May 2018 and outlines the following:

Step 1: Determine your eligibility

Step 2: Complete appropriate nomination form(s)

Step 3: Arrange your nomination deposit

Step 4: Decide whether you want to appoint an agent

Step 5: Lodge your nomination, deposit and agent appointment form

Step 1: Determine your eligibility

To nominate for either the Senate or the House of Representatives, you must be:

- at least 18 years old;
- an Australian citizen; and
- either enrolled or eligible to be enrolled on the Commonwealth electoral roll.

You cannot nominate for the Senate or the House of Representatives if you are:

- currently a member of a state parliament or territory legislative assembly and have not resigned before the hour of nomination;
- disqualified by section 44 of the Constitution.

See [Electoral Backgrounder – Constitutional disqualification and intending candidates](#) available at www.aec.gov.au.

On 30 May 2018, the *Electoral and Referendum Amendment (Eligibility) Regulations 2018* (the regulations) commenced. The regulations were designed to improve the existing candidate nominations process for elections.

The regulations amend the candidate nomination form by adding a qualification checklist to the nomination form. If you are seeking to nominate as a candidate, you may voluntarily complete the qualification checklist to demonstrate your eligibility to be elected to Parliament under section 44 of the Constitution. See page 5 for more information on the qualification checklist.

Step 2: Complete nomination forms

There are several different options when nominating for the Senate or the House of Representatives, each option using a different nomination form.

You need to complete the nomination form for the relevant option, as well as an individual candidate details form for each candidate nominated.

Note: for elections held on the same day, you can only nominate once for the Senate in only one state or territory, or once for only one House of Representatives division. If you nominate more than once, all your nominations will be invalid.

A registered party may not nominate more than one candidate for a single House of Representatives division in a state or territory.

Individual candidate details forms

On either Form 59 'Nomination of a Senator' or Form 60 'Nomination of a Member of the House of Representatives' you must provide:

- your name;
- your place of residence (unless you are registered as a 'silent' elector on the electoral roll);
- your occupation;
- your contact details (you can request that these are not publicly released);
- whether you have been endorsed by a registered political party; and
- if you are nominating for the Senate you can request that your name be included in a group of candidates on the ballot paper.

You must nominate using the name under which you are enrolled or entitled to be enrolled.

Nomination forms, including your contact details, become publicly available after the declaration of nominations.

If you are a 'silent' elector, you are not required to write your address on the nomination form, but you must provide a correspondence address. This address may be a postal address and is not made publicly available.

You must sign a declaration on the nomination form that you:

- are an Australian citizen;
- are at least 18 years of age;
- are an elector or qualified to be an elector;
- are qualified to be elected under the Constitution and other laws of the Commonwealth;
- are not, and do not intend to be, a candidate in any other Commonwealth election on the same day; and
- consent to act if elected.

Qualification checklist relating to section 44 of the Constitution

Instructions for using the qualification checklist relating to section 44 of the Constitution

- The qualification checklist relating to section 44 of the Constitution (the checklist) forms part of the candidate nomination form. You may voluntarily complete the checklist to help demonstrate your eligibility to be elected to Parliament under section 44 of the Constitution. You may choose to complete all, part or none of the checklist. The completion or otherwise of the checklist is not grounds for the relevant AEC Returning Officer to reject a nomination under section 172 of the *Commonwealth Electoral Act 1918* (the Act).
- **The AEC does not have the authority to determine the eligibility of any candidate on the basis of information provided in the checklist or any additional documentation.**
- You may provide consent for the AEC to publish the checklist on the AEC website by signing the checklist where it states 'I agree to the Australian Electoral Commission publishing this checklist in its entirety'. If consent is provided, the checklist will be published on the AEC website as soon as practicable after the declaration of nominations. The checklist will remain published until the 40 day period for filing a petition disputing the election under section 355 of the Act has expired.
- If you do not provide consent, the checklist will not be published. Where a nomination is rejected under section 172 of the Act, the AEC will not publish the checklist or any documents in relation to that nomination.

Instructions for providing additional documentation

- You may choose to provide additional documentation to the AEC, together with your nomination form. This provides you with an opportunity to further demonstrate your eligibility to be elected to Parliament under section 44 of the Constitution. Please do not provide original documents, as the AEC is unable to return them. There is no requirement for copies of documents to be certified.
- Any additional documentation received **will be published** on the AEC website as soon as practicable after the declaration of nominations, irrespective of whether consent has been provided to publish the checklist. Additional documentation will remain published until the period for filing a petition disputing the election under section 355 of the Act has expired.
- Please redact, omit or delete any information on the additional documentation that you do not want published on the AEC website. This includes consideration of the **personal information of other individuals** whose details may be included in the additional documentation. **It is your responsibility to carefully examine and redact, omit or delete any information you do not want published on the AEC website before submitting the additional documentation.**
- The AEC is required to publish **all** additional documentation exactly as provided. No information or document will be amended or removed from the AEC website once it has been published. Note that the AEC will not accept additional documentation provided on digital devices, such as DVDs, thumb / USB drives.

Note for each candidate the AEC will publish:

- whether or not the candidate submitted a checklist, and if they did, if they consented for it to be published; and
- whether or not the candidate provided additional documentation.

In addition to the individual candidate details forms outlined on page 3, there are additional nomination forms that must be completed, depending on the type of nomination.

Senate forms

Each candidate must complete the EF059 'Nomination of a Senator', plus one or more of the below, depending on the type of nomination.

FORM	USE
Form 59a Multiple party group nomination by registered officer	This form should be used where two or more candidates for the Senate are nominated as a group endorsed by multiple registered parties and are nominated by the parties' registered officers.
Form 59b Group nomination by registered officer	This form should be used where two or more candidates are nominated as a group by the registered officer of one registered political party.
Form 59c Unendorsed group nomination	This form should be used where two or more unendorsed candidates for the Senate are nominated as a group.
Form 59d Single nomination by registered officer	This form should be used where an individual candidate is nominated as a single candidate by the registered officer of a registered political party.
Form 59e Single nomination of unendorsed candidate or incumbent independent	This form should be used where an unendorsed candidate for the Senate is nominated by 100 eligible electors or where an incumbent independent candidate for the Senate is nominated by one eligible elector.

Note: Unendorsed candidates who wish to form a group must complete Form 59 and Form 59e for each candidate nominated as well as Form 59c for the group nomination.

House of Representatives forms

Each candidate must complete the EF060 'Nomination of a Member of the House of Representatives', plus one of the below, depending on the type of nomination.

FORM	USE
Form 60a Bulk nomination – endorsed candidate	This form should be used where a registered political party nominates all its House of Representatives candidates in a particular State or Territory at the one time.
Form 60b Single nomination – endorsed candidate	This form should be used where an individual candidate for the House of Representatives is endorsed by a registered political party and nominated by the registered officer of the political party.
Form 60c Single nomination of unendorsed candidate or incumbent independent	This form should be used where an unendorsed candidate for the House of Representatives is nominated by 100 eligible electors or where an incumbent independent candidate for the House of Representatives is nominated by one eligible elector.

Support for your nomination

If you are endorsed by a registered political party, the nomination should include verification of your endorsement by the registered officer or deputy registered officer of the party.

If you are not nominated by a registered political party, your nomination must be supported by 100 eligible electors who are entitled to vote in the election in the state or territory (for Senate candidates) or the division (for House of Representatives candidates) for which you are nominating.

If you are a Senator or a member of the House of Representatives who was elected as an unendorsed candidate at the previous election, your nomination must be supported by one elector (other than the candidate) entitled to vote at the election in the state or territory (for Senate candidates) or the division (for House of Representatives candidates) for which you are nominating.

If a nomination is endorsed by a registered political party and the party endorsing a candidate for the election has a logo entered in the Register of Political Parties at the time of nomination, the registered officer/deputy registered officer of that party may request, as part of the nomination process, to have the logo printed adjacent to the candidate's name on a House of Representatives ballot paper, or printed adjacent to the party name above the line on the Senate ballot paper. Where candidates in a Senate group have been endorsed by more than one political party, no more than two party logos may be printed on the ballot paper.

Nomination forms can be obtained from the [AEC website](#), by visiting an AEC office, or calling 13 23 26.

Step 3: Arrange your nomination deposit

Your nomination must be accompanied by a deposit paid in cash, or by a cheque drawn by a bank or other financial institution on itself (cheques drawn by credit unions on banks are not acceptable). Cheques for nomination deposits should be made out to the Australian Electoral Commission. Money orders, electronic funds transfers, credit cards, personal cheques or other business cheques cannot be accepted.

A deposit is required for each individual candidate. The deposit required is \$2 000 for each nominated Senate candidate and \$1 000 for each nominated House of Representatives candidate.

Refund of deposit

The deposit will be returned to the person who paid the amount, or someone authorised by that person in writing, if the candidate is elected or receives at least four per cent of the formal first preference votes, or is part of a Senate group that receives at least four percent of the formal first preference votes.

All unsuccessful candidates not meeting these criteria forfeit their deposit.

For further details, see the [Candidates Handbook](#) available from the AEC website or an AEC office or by calling 13 23 26.

Step 4: Decide whether you want to appoint a candidate agent

All candidates, including candidates who are members of a Senate group, have financial disclosure responsibilities.

Candidates and Senate groups may appoint an agent to act on their behalf with regards to election financial disclosure matters. Candidates who do not appoint agents become their own agents and are responsible for lodging their own returns. The first listed candidate in a Senate group is responsible for lodging the group's return if an agent has not been appointed for the group.

In addition to financial disclosure responsibilities, the agents of independent candidates and Senate groups (i.e. candidates not endorsed by political parties) are the persons to whom any election funding entitlements will be paid.

To appoint an agent, you must complete an Agent appointment form and ensure that it is received by the AEC's National Office in Canberra before the close of nominations. An appointment is valid for a single election only.

Appoint Candidate Agent and Appoint Senate Group Agent forms are available from the AEC website.

Note that an agent of a party is not automatically a candidate's agent unless specifically appointed by the candidate for the election. The exception to this is for a Senate group where all the members of the group have been endorsed by the same registered political party, then the party agent is responsible for meeting the disclosure obligation of the group in the annual disclosures submitted for that political party.

Further information on appointing an agent is available in the [Financial Disclosure Guide](#) for Candidates and Senate Groups published on the AEC website.

Step 5: Lodge your nomination and deposit

Where to nominate

If you are nominating for the Senate for a state or territory, your nomination and deposit must be lodged at the office of the Australian Electoral Officer (AEO) for that state or territory.

If you are nominating for the House of Representatives for a federal division your nomination and deposit must be lodged at the office of the Divisional Returning Officer (DRO) for that division.

If you are included in a bulk House of Representatives nomination (where a registered political party nominates all its House of Representatives candidates for a particular state or territory at one time), the bulk nominations must be lodged at the office of the AEO for that state or territory.

You may post or fax your nomination form, however:

- the nomination must be physically received by the office of the relevant AEO or DRO before the relevant deadline
- by faxing the form, you must agree the time of receipt is the time when the form enters the AEC's fax machine memory
- the AEC is not responsible for any deadlines missed or losses incurred
- your deposit must be received by the relevant deadline.

When to nominate

Please note: Forms cannot be lodged with the appropriate officer until after the election date has been announced and the writs for the election have been issued.

You can nominate as a candidate during AEC business hours any time after the writ is issued up to 12 noon on the day nominations close.

House of Representatives bulk nominations must be lodged with the relevant AEO not less than 48 hours before the close of nominations.

For a nomination to be valid, both the nomination form and the nomination deposit must be in the hands of the AEO or DRO by the relevant deadline.

It is your responsibility to ensure that all nomination requirements are met and that the AEC has received your nomination by the deadline.

Late nominations cannot be accepted under any circumstances.

Withdrawal of nomination

You can withdraw your consent to a nomination up until the hour of nomination by lodging a withdrawal notice, but not after nominations have closed.

Legal advice

The AEC can help by supplying you with general information about the nomination process. As a prospective candidate, you must satisfy yourself about your legal position. You can refer to the provisions of either the *Constitution* or the *Commonwealth Electoral Act 1918*; however you should also consider obtaining your own legal advice.

Please note the AEC cannot provide you with legal advice.

Where to get more information

Further information is available in the [Candidates Handbook](#) and from AEC offices, or by phoning **13 23 26**.

The AEC conducts candidate briefing sessions nationally for interested persons. Your DRO or AEO can provide you with information on when and where these sessions will be conducted.

All prospective candidates are encouraged to attend these sessions. Further information can be obtained by contacting the AEC on **13 23 26**.

As requirements may change between elections, intending candidates should ensure that they have the latest information available before submitting their nomination. Updated versions of the relevant forms and this guide will be placed on the [AEC website](#) as required or upon announcement of an election.

www.aec.gov.au 13 23 26

