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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 March 2019 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.

The *Electoral Legislation Amendment (Modernisation and Other Measures) Act 2019* changed, amongst other things, the candidate nominations process for elections by making the qualification checklist mandatory to complete and increasing the cost of nominating for the House of Representatives to \$2,000 (the same as for the Senate).

The qualification checklist is required to be completed to demonstrate your eligibility to be elected to Parliament under section 44 of the Australian Constitution. Additional documents may be required to support the nomination. 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, including qualification checklist, for each candidate nominated.

The candidate details and the qualification checklist can be completed using fillable field forms on the AEC's website that generate PDFs. These can be saved and printed to sign, and must be submitted together with the deposit and supporting nomination forms.

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.

Details on the nomination form will be publicly announced. These include your name, town or suburb of residence, the state or territory, endorsing party or unendorsed, the group name (where relevant) and that 'independent' will be printed on the ballot paper (where relevant). Town or suburb details for a candidate who is a 'silent' elector will not be publicly declared.

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.

Personal information included in the qualification checklist, and/or any additional document provided with the nomination under section 170B collected by the Electoral Commissioner for the purposes of subsection 170(1)(d) or section 170B of the Act is not subject to Australian Privacy Principles 3, 5, 6, 10 and 13 in Schedule 1 to the *Privacy Act 1988* (Cth) or Part V of the *Freedom of Information Act 1982* (Cth).

Qualification checklist relating to section 44 of the Australian Constitution

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

- The qualification checklist relating to section 44 of the Australian Constitution (the checklist) forms part of the candidate nomination form. You must complete the mandatory questions in the checklist to help demonstrate your eligibility to be elected to Parliament under section 44 of the Constitution.
- You **must** answer every question in the checklist that has check boxes by marking one, and only one, of the boxes provided. Your nomination will be rejected if you do not mark any of the boxes, or if you mark more than one of the boxes, provided for any of these questions. You **must** provide additional documentation in response to a question in the checklist if you contend to have renounced citizenship, or lost the status as a subject or citizen of another country. Failure to complete the mandatory questions in the qualification checklist is grounds for the Electoral Commissioner (or delegate) 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.**
- The checklist and any additional documents provided will be published on the AEC website as soon as practicable after the declaration of nominations. The checklist and any additional documents will remain published until the 40 day period for filing a petition disputing the election under section 355 of the Act has expired.
- 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.

- After the return of the writs for the election, checklists and additional documentation for people elected as Senators or Members of Parliament will be tabled to the Senate or House of Representatives.

Instructions for providing additional documentation

- You may choose to provide additional documentation to the AEC to support contentions made in the qualification checklist or where you are unable to fit all response content in the checklist. This must be provided, together with your nomination form and not otherwise. This provides you with an opportunity to further demonstrate your eligibility to be elected to Parliament under section 44 of the Constitution. You must provide additional documentation in response to question 10 in the qualification checklist if you contend to have renounced citizenship, or lost the status as a subject or citizen of another country. 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 with the nomination **will be published** on the AEC website together with the checklist as soon as practicable after the declaration of nominations. 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. You must redact the address of any silent elector contained in the additional documentation, unless the person has consented to the publication of the address. **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 may omit, redact or delete, from a document published or to be published any information that the Electoral Commissioner is satisfied on reasonable grounds is unreasonable, unacceptable, inappropriate or offensive. The AEC must also delete the address of a silent elector if the Electoral Commissioner becomes aware that they have not provided consent for their address to be published. Note that the AEC will only accept additional documentation in hard-copy with the nomination form and not in any electronic format.

For each candidate the AEC will publish:

- Candidate approved details for public release
- The qualification checklist
- Any additional documentation provided by the candidate.

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', including the qualification checklist, 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', including the qualification checklist, 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. The candidate details and qualification checklist components can be filled out using a fillable field form on the website that generates PDFs that can be saved, printed, signed and submitted with supporting forms and the deposit.

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 of \$2,000 is required for each individual candidate for the House of Representatives or the Senate.

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 are responsible for lodging a claim for election funding entitlements (if applicable). Party agents will be responsible for lodging claims for endorsed candidates.

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. 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 AEC 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, including your eligibility under section 44 of the Australian Constitution. 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.