

GROUPS OF CANDIDATES

Group membership changes

Unless otherwise stated, all references to legislation are to the *Local Government Electoral Act 2011*. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

This fact sheet relates to candidates, groups of candidates and their agents participating in local elections and by-elections.

For information about how to register a group of candidates for an election, please refer to [Fact sheet 22 – Group registration process](#).

Can the membership of a group change?

Once a group of candidates has registered for an election, the group may change its membership by adding or removing group members or it may change the group's name. A group can also de-register (i.e., wind up) for the election if the candidates decide to stop campaigning together as a group.

The agent of the group can apply to change the group's membership or de-register the group at any time up to the day before election day. The application must be lodged with the ECQ using the approved form. The agent can contact the ECQ for the necessary form.

Changing a group's membership has implications for the group's election obligations as well as the obligations of any new or former group members. It is the agent's responsibility to ensure they and each group member have a good understanding of these obligations before submitting the group membership change application.

When new members join an existing group, the group must not engage in any group campaign activities with the new members until the ECQ has approved the group change application.

The group also must not engage in group campaign activities with any former group members.

What happens when a new member joins a group?

A candidate may join a group at the time of the group's registration or through a change to the group's membership. The group's name will only appear next to the candidate's name on the ballot papers for the election if they join the group before the close of nominations.

If new members join an existing group, the group must take care to not engage in group campaign activities with the new members until the application has been approved by the ECQ. Examples of group campaign activities can be found in [Fact sheet 22 – Group registration process](#).

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More information

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Any electoral expenditure incurred by a candidate prior to joining a group will count towards the group's expenditure cap. The new group member should inform the group's agent about these amounts as soon as possible after joining the group. The group will also need to recalculate its electoral expenditure cap under section 123I of the LGEA to include the candidate's individual capped amount.

Any electoral expenditure incurred by a candidate prior to joining a group will count towards the group's expenditure cap.

If a candidate joins the group and has gifts or loans received or expenditure incurred that have not yet been disclosed, the candidate remains responsible for lodging returns for these items.

If the new group member had a dedicated campaign bank account for the election prior to joining the group, they may transfer any monies in the account into the group's dedicated campaign bank account. Alternatively, they may keep the money in the account for a future election, or pay it to a charity or a political party (provided the candidate was a member of the party during their disclosure period). The old account may no longer be used for the election. A copy of the bank statement must be given to the group's agent and included as part of the group's election summary return.

What happens when a candidate leaves a group?

A candidate may leave a group because of a change to the group's membership or because the group is wound up. If the change occurs after the close of nominations, the group's name will still appear next to the candidate's name on the ballot papers for the election.

Any gifts or loans received by the candidate while they were a member of the group will be taken to have been received by the group. Similarly, any electoral expenditure incurred by the candidate while they were a member of the group will be taken to have been incurred by the group. If the electoral expenditure was incurred during the capped expenditure period for the election, it will also count towards the group's expenditure cap.

Any gifts or loans received or any electoral expenditure incurred by a candidate while they were a member of a group will be taken to have been received or incurred by the group.

The group's agent is responsible for disclosing any amounts received or incurred by the candidate while they were a member of the group via the group's real-time returns and election summary return.

The candidate will be responsible for lodging real-time returns for amounts they receive or incur after they leave the group, and they will need to lodge their own separate election summary return after the election.

Both the group and the candidate will need to recalculate their expenditure caps under section 123K of the LGEA. See below for an example.

More information

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After leaving the group, the former group member can no longer be able to use the group's dedicated campaign bank account. No previously deposited amounts can be transferred out of the account.

If the candidate leaving the group is still intending to contest or nominate for the election, they will need to establish their own dedicated campaign bank account for the election and notify the ECQ of the account details within 5 business days of leaving the group.

If a group is wound up, the agent for the group will continue to be responsible for lodging the group's real-time disclosure returns and election summary return.

EXAMPLE

Candidate A became a member of the group Team Hoppy Kangaroo when the group registered with the ECQ for the upcoming March local government elections.

However, on 13 December, Candidate A decided to leave Team Hoppy Kangaroo and campaign as an individual candidate going forward.

Since Candidate A left the group during the capped expenditure period of the election, the expenditure cap for both Team Hoppy Kangaroo and Candidate A must be re-calculated.

For re-calculation purposes, we will need the original expenditure cap for the group as well as expenditure capped amounts for councillors and mayors for the local government area. We also need the amount of electoral expenditure incurred by the group during the capped expenditure period. The expenditure cap of a group cannot be more than the maximum amount for the election.

- Before Candidate A left the group, Team Hoppy Kangaroo had 6 members running for councillor positions and 1 member running for the mayoral position.
- The expenditure cap for the local government area is \$15,000 for councillors and \$30,000 for mayors.
- The expenditure cap for Team Hoppy Kangaroo before Candidate A left was \$120,000. (For more detail on how to calculate the expenditure cap of a group of candidates, please see [Fact sheet 22 – Group registration process](#))
- Team Hoppy Kangaroo incurred \$35,000 in electoral expenditure before Candidate A left the group.

Determining the group's expenditure cap after Candidate A leaves the group is a 2-step process.

First, we must calculate Candidate A's expenditure cap as an individual candidate for the remainder of the election. This calculation takes into account the amount of expenditure the group has already incurred.

Example continued on the next page.

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EXAMPLE (CONT.)

The formula for Candidate A's new capped amount is:

$$C - \left(\frac{C}{D} \times F\right) = \text{new capped amount}$$

C is the expenditure cap of an individual candidate in the local government area.

D is Team Hoppy Kangaroo's expenditure cap before Candidate A left

F is the amount of electoral expenditure incurred by the group of candidates before Candidate A left.

$$15,000 - \left(\frac{15,000}{120,000} \times 35,000\right) = 10,625$$

Candidate A's new expenditure cap is **\$10,625**.

Once Candidate A's new expenditure cap is calculated, we can determine Team Hoppy Kangaroo's new capped amount. We take the group's expenditure cap before Candidate A left and subtract Candidate A's new individual expenditure cap. The difference is Team Hoppy Kangaroo's new expenditure cap.

$$\$120,000 - \$10,625 = \$109,375$$

\$109,375 is Team Hoppy Kangaroo's new capped amount.

The formulas for these calculations can be found in the LGEA section 123K.

For further information

This fact sheet mainly refers to part 6 of the LGEA. The Act is available in full at legislation.qld.gov.au. Participants in the electoral process should ensure they understand their obligations under the LGEA.

RELATED FACT SHEETS

Fact sheet 14 – Election summary returns

Fact sheet 21 – Funding and disclosure overview for groups of candidates

Fact sheet 22 – Group registration process

Fact sheets can be found at ecq.qld.gov.au/factsheets.

More information

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