

# Guide for Scrutineers

---

## HANDBOOK

FOR STATE GENERAL ELECTIONS  
AND BY-ELECTIONS



HANDBOOK



Introduction

Number Allowed

Appointment

Times When Scrutineers are Entitled to be Present

Role

Functions

Party Workers

Photographers and Media

Certified Lists

Ballot Papers

## **METHODS OF RECORDING A VOTE**

Ordinary Voting at a Polling Booth

Declared Institutions

Electoral Visits

Remote Area Voting (Electoral District of Cook Only)

Declaration Voting

Absent Voting

Unenrolled Voting including at a Pre-Poll Centre

Postal Voting

Pre-Poll-In-Person Voting

Unenrolled Absent Voting

## **AT THE SCRUTINY**

Ordinary Votes

Declaration Votes

## **FORMALITY OF VOTES**

## **INFORMALITY OF VOTES**

## **NOTIONAL TWO CANDIDATE PREFERRED COUNT**

Procedures

## Introduction

This Guide is compiled to assist scrutineers at Queensland State Elections and By-Elections.

It is not intended to be a complete guide, nor is it meant as a substitute for reading the law. Please read this guide in conjunction with the *Electoral Act 1992*. Where possible, information will be provided to help answer questions. However, this does not include the provision of legal advice. Candidates and scrutineers must satisfy themselves as to their legal position and seek their own legal advice, where they consider this is necessary.

Scrutineers are appointed by candidates as their representatives to observe voting proceedings.

The Polling Booth Supervisor is responsible for the conduct of the election in a booth on polling day and is the person with whom scrutineers will generally communicate.

Other than polling officials, scrutineers and electors intending to vote, no-one is permitted in the polling booth during the polling, except by permission of the Booth Supervisor or Returning Officer.

Your candidate may be able to answer any queries you have or they may wish to contact the Returning Officer or this Commission to clarify any issue.

## Number Allowed

Each candidate for an electoral District may appoint adult persons as scrutineers:

- Before and during polling, and counting of votes, one scrutineer for each Issuing Officer at each polling place; and
- At the examination of Declaration Envelopes and the counting of votes, one scrutineer for each member of the Commission's staff at the polling place or other location at which such activity is undertaken.

## Appointment

You must be appointed by your Candidate on the Scrutineer's Appointment and Declaration Form.

Before you commence duty, sign the top portion of the Scrutineer's Appointment and Declaration in the space provided and complete the declaration section in the presence of the Supervisor. You should then keep the top portion of the form with you at all times. The Supervisor will retain the bottom portion.

You will be provided with a Scrutineer Badge and Bib; these must be worn at all times while carrying out your scrutineering duties.

## Times When Scrutineers are Entitled to be Present

You are entitled to be present at the times and places indicated below:

- At pre-poll voting locations.
- Before polling commences at a polling place for the purpose of inspecting ballot boxes prior to them being sealed.
- At locations where the examination of Declaration Envelopes and the counting of votes is being undertaken.
- After polling day, at any place where further counting, a check count or a recount of votes is taking place.

Polling places include:

- Commission Offices (Including Returning Officers' Offices);
- Pre-poll voting centres;
- Electoral Visit places;
- Declared Institutions;
- Remote Area Mobile Polling places in the Electoral District of Cook;
- Polling Booths on Polling Day (static and mobile).

The Returning Officer will advise your Candidate of the times and locations of election activities where scrutineers may be present.



Counting of votes will not commence at any place until 6.00 p.m. on polling day.

## Role

The presence of scrutineers during the election process helps ensure that the election is perceived as free and fair.

## Functions

You **MAY**:

- Inspect ballot boxes to be used for voting, before they are sealed.
- Observe the operation of polling.
- Object to the entitlement of a person to vote.
- Record details of electors who vote at the election, and take the record out of the polling place.
- Observe the Supervisor or an Issuing Officer assisting an elector who needs help.

- Assist an elector who needs help only if the elector seeks your assistance.
- Challenge the formality of a ballot paper at a count or recount or object to the count of a vote for a particular candidate.
- Countersign endorsements on any parcels used in the election.

You **MAY NOT**:

- Touch ballot papers or Declaration Vote Envelopes.
- Communicate with any person in a polling booth except in the performance of your specific duties as a scrutineer.
- Wear or display a political party or candidate emblem or badge, or other material or statement of a political nature (such as a political slogan) in a polling booth or within six (6) metres of its entrance.
- Canvass for votes within six (6) metres of the entrance to a building with voting compartments;
- Touch or help carry any electoral material or ballot box while attending places of Electoral Visits, Declared Institutions or mobile polling booths.

## **Party Workers**

Party workers, other than those appointed as scrutineers, may only enter the polling booth to record their own vote. The only exception is when they are nominated by an elector to help that person vote. They must not wear or display any badges or emblem of a candidate or political party in the polling booth.

**At all other times party workers must remain at least six metres from the entrance of the polling booth.**

## **Photographers and Media**

Any person arranging for photographers and/or media to visit polling booths on polling day must contact the Returning Officer in sufficient time to enable arrangements to be made with the relevant Booth Supervisor.

It should be noted that photographers and members of the media or their equipment are not to hinder, inconvenience or delay any polling staff or electors and that the total secrecy of the vote must be maintained at all times.

## **Certified Lists**

Before polling begins, Issuing Officers are supplied with a copy of the Certified List of electors. The Certified List (this may be in electronic format) is used in issuing votes to enrolled electors.

## Ballot Papers

An elector is issued with a ballot paper for their District after their name has been marked off the Certified List or they have filled out a Declaration Envelope.

Any elector who spoils a ballot paper before it is placed in the ballot box or the relevant Declaration Envelope may, on returning the spoilt ballot paper to the Issuing Officer, receive a replacement.

## METHODS OF RECORDING A VOTE

As a scrutineer you should be aware of the different categories and methods of voting, as your rights and duties differ slightly in the observation of each.

### Ordinary Voting at a Polling Booth

An ordinary vote is a vote recorded by electors on polling day at a polling booth appointed for the District for which they are enrolled.

The Issuing Officer will ask the elector their full name and address, look up the Certified List (this may be electronic) and mark- off the elector on the list.

The Issuing Officer will hand a ballot paper to the elector and direct them to go to a vacant voting compartment, read the instructions on top of the ballot paper and cast their vote. The elector must then go alone to a voting compartment and, in private;

- Mark their vote on the ballot paper;
- Fold it so that the vote is concealed; and
- Place it in the ballot box and leave the polling booth.

### Declared Institutions

A scrutineer may be present during the conduct of polling in Declared Institutions. Polling Officials take ballot boxes and necessary voting equipment to patients, residents and inmates in these institutions.

Polling officials may display a How-to-Vote (HTV) Card board of participating candidates, (who have provided a copy of their HTV card to the RO) to any elector who requests it.

Receive information from your candidate as to the date, time and place at which voting will commence.

Be sensitive to the particular needs of these electors and perform your duties in as low-key a manner as possible. You should not contact the electors in any manner which could be construed as canvassing for their vote and you must not wear or display a political party or candidate emblem or badge, or other material or statement of a political nature (such as a political slogan). You must, however, wear your scrutineer bib and badge.

Undertake your duties of observing proceedings, but having regard at all times for the secrecy of the vote.

## Electoral Visits

Scrutineers may be present during the conduct of Electoral Visit Voting. Any elector who has qualified through illness, disability or advanced pregnancy or being a carer of such a person, they are unable to get to a polling booth, is entitled to an Electoral Visit Vote. Polling officials will take ballot boxes and necessary voting equipment to electors who qualify. Polling Officials may display a How-to-vote (HTV) Card board of participating candidates, (who have provided a copy of their HTV card to the RO) to any elector who requests it.

Receive advice from your candidate of the date, time and place of departure of Polling Officials.

Observe proceedings in a low-key manner having regard for the particular needs of this type of elector and the secrecy of the vote.

Refrain from assisting Polling Officials in any way.

Refrain from any action which might be construed as canvassing for the elector's vote.

An elector may request that scrutineers do not enter their residence when an electoral visit is scheduled, if this occurs scrutineers may not enter the premises.

Scrutineers must use their own transport to visit Declared Institutions and attend Electoral Visits.

## Remote Area Voting (Electoral District of Cook Only)

Electors in some Aboriginal communities on Cape York Peninsula and Torres Strait Island communities are visited prior to polling day to have their vote taken. Ordinary and Declaration Voting is available to them.

Your candidate will be provided with a copy of the itineraries of each of the teams. The itineraries are compiled by the Electoral Commission in consultation with the local communities.

It should be borne in mind that adverse weather conditions or incidents in a community (for example the death of a community member) may lead to changes to the published itinerary.



Scrutineers must arrange their own transport. At no time are they permitted to travel with the mobile polling team (this includes boat and aircraft hire as well as ground transport).

## Declaration Voting

An elector who is unable to vote as an Ordinary Elector may vote as a Declaration Voter. Declaration votes can include absent votes, unenrolled votes, postal votes, uncertain identity and pre-poll-in-person votes.

To make a Declaration Vote, an elector must complete and sign a Declaration Envelope claiming they are entitled to vote at the election.



## **Absent Voting**

An elector who is away from the District for which they are enrolled but still within the State may upon making a declaration, vote on polling day as an absent elector at any polling booth in the State (not applicable for By-Elections).

## **Unenrolled Voting including at a Pre-Poll Centre**

An elector who claims a vote but whose name cannot be found on the certified list of electors for the District they reside in, may make a declaration vote for the District which they claim to reside in.

The following procedures apply to unenrolled voting:

After the Declaration Issuing Officer has established the elector's name is not on the roll, the elector completes a Declaration Envelope stating their particulars (name, address, date of birth);

The elector signs a declaration in the presence of the Issuing Officer who must sign as a witness to the signature;

On receipt of the correct ballot paper for the District for which the elector claims to be enrolled, the elector marks their vote; and

The elector returns to the Issuing Officer with the folded ballot paper. The ballot paper is placed in the signed and witnessed declaration envelope, sealed and placed in the ballot box.

Electors can update their enrolment details after the first close of rolls date but before 6pm on the day before Polling Day and claim a declaration vote for their updated enrolled address.

Unenrolled votes will only be counted if ECQ can establish that the elector is entitled to have their vote admitted to the count.

## **Postal Voting**

No qualifications apply to electors for postal voting. Electors can apply online at ECQ's website [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au).

Applications close 7pm on the Wednesday before Polling Day.

Your candidate will be advised of the times and location at which scrutiny of Postal Votes will be undertaken.

## **Pre-Poll-In-Person Voting**

An elector may cast a Pre-Poll (in person) vote at any advertised pre-poll voting centre during the advertised hours. Pre-Poll (in person) voting commences 3 clear days after nominations close and ceases at 6pm on the Friday before polling day.

## Unenrolled Absent Voting

An Unenrolled Polling Day Absent Vote is a Declaration Vote given to an elector who claims to be enrolled in an Electoral District outside the one in which the Polling Booth is situated and whose name cannot be found on the roll for any District in Queensland.

Procedures are the same as for an Unenrolled Vote except the name of the District where the elector claims to be enrolled is placed on the Declaration Envelope and the ballot paper given to them is one for that District.

The completed vote is sent to the Returning Officer for that District who will ascertain if the vote can be counted.

## AT THE SCRUTINY

As a scrutineer you are entitled to observe all proceedings at any scrutiny. Your candidate will be advised of the times and places where scrutiny will be undertaken.

Scrutineers may challenge the formality of ballot papers at a polling booth. Staff undertaking the scrutiny will refer any challenge to the Polling Booth Supervisor for an interim decision. The Returning Officer will give a final determination at the check count which is undertaken at the Returning Officer's office during the days after polling day.

All counts must proceed smoothly and efficiently and you should not unnecessarily communicate with anyone at the scrutiny, nor should you impede Electoral Commission staff undertaking their duties.



**You must not handle ballot papers, declaration envelopes or any other election material.**

You are entitled to observe all the markings on ballot papers but you must not delay or impede scrutiny proceedings, except where it is necessary in the performance of your duties. The Returning Officer will inform all scrutineers of any adjournment of the scrutiny and advise the location and time the scrutiny will be continued.

## Ordinary Votes

The counting of votes begins after the poll closes on polling day: Ballot papers are sorted according to first preference for each candidate; then counted and the results from polling booths are telephoned to the Returning Officer.

Ordinary votes counted in Returning Officers' offices on polling night are the own District pre-poll-in-person votes taken at that office.

The Notional Two Candidate Preferred Count commences after the count of first preference votes for the district. (May not be undertaken/used for By-Elections).

When the First Preference Count and the Notional Two Candidate Preferred Count of ordinary votes are completed at a polling booth, the ballot papers are placed in sealed boxes and delivered, with all other election material, to the Returning Officer.

Returning Officers will conduct check-counts and scrutiny of ballot papers commencing after Polling Day.

## Declaration Votes

All counting and scrutiny of Declaration votes is undertaken by the Returning Officer.

Preliminary scrutiny of declaration envelopes determines whether the claimant is entitled to vote and the Ballot Papers within the envelope are to be counted.

In the event the claimant is found not to be entitled the declaration envelope is rejected and remains sealed.

## FORMALITY OF VOTES

A ballot paper is taken to contain writing or marks that indicate the voter's intended order of preferences, even though the square opposite the name of 1 of the candidates has been left blank, if –

(a) the voter has written the number 1,2,3 and so on in all the squares opposite the candidates' names except for the blank square; and

(b) the numbers mentioned in paragraph (a) are consecutive numbers, without the repetition of a number.

A ballot paper mentioned in section (a) is taken to indicate that the candidate whose name is opposite the blank square is the voter's last preference.

## INFORMALITY OF VOTES

- These will be regarded as informal:
  - Any ballot paper that does not show a preference for all candidates in numerical order
  - Any ballot paper with no marking on it.
  - Any ballot paper that only has ticks and/or crosses.
  - Any ballot paper that contains a number more than once.
  - Any ballot paper where the identity of the elector is clear.
  - Any ballot paper which has been placed in a **Discarded Ballot Paper Envelope (Form 20)** (*These envelopes remain sealed*).

## NOTIONAL TWO CANDIDATE PREFERRED COUNT

This is a notional allocation of preferences to two Candidates selected by the Electoral Commissioner. It is undertaken on polling day after the first preference count has been completed and is designed to give an indication of how the preferences fall to the selected candidates.

The names of the two selected Candidates will be in a sealed Notional Two Candidate Preferred Count Envelope which is not opened until after 6.00 pm on polling day.

The notional count is an information activity that gives an indication of the likely successful Candidate and does **NOT** negate the later conduct of a Full Preference Count.

The notional count will be done in all Districts with more than two Candidates.

Preferences on ballot papers for all other candidates will be distributed to the two selected Candidates. The later preferences counted to the two selected candidates are added to the First Preference Votes received by those candidates. This gives the total Notional Two Candidate Preferred result for the polling booth.

You may observe the preferences of other Candidates during the Notional Two Candidate Preferred distribution.

### Procedures

The ballot papers for the two selected Candidates will be set aside in a secure area.

The ballot papers of the other Candidates will be dealt with, one Candidate at a time according to the following procedure:

- The bundle of ballot papers allocated to one of the non-selected Candidates will be selected.
- Each ballot paper will be allocated to one of the two selected Candidates, according to which of them receives the next highest preference (i.e. the next lowest number), by sorting the non- selected Candidate's bundle into two piles as follows:
  - Selected Candidate 1.
  - Selected Candidate 2.
- The results will be recorded and the ballot papers for that non-selected Candidate will be returned to one pile.
- This procedure will continue for each other non-selected Candidate.



