



PRESELECTION BALLOT HANDBOOK

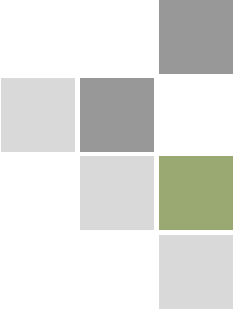
FOR STATE AND LOCAL GOVERNMENT ELECTIONS

Handbook 1



Contents

- 1. Introduction 1
 - Assistance and Enquiries 1
- 2. Overview of preselection ballots 2
 - What is a preselection ballot? 2
- 3. Notification of preselection ballots 3
- 4. Rules for preselection ballots 5
 - Model procedures 5
 - Party's constitution 5
- 5. Inquiries of preselection ballots 7
- 6. Audits of preselection ballots 8
- Appendix 9



1. Introduction

This handbook is issued by the Electoral Commission of Queensland (ECQ) to provide guidance to registered political parties in complying with the provisions under the *Electoral Act 1992* (EA) and the Electoral Regulation 2013 (ER) with regards to the conduct of preselection ballots.

In providing this information, the ECQ seeks to ensure the integrity of Queensland's electoral processes, and ensure registered political parties have adequate information to enable them to comply with their legislated obligations and responsibilities.

Assistance and Enquiries

The ECQ's Funding, Disclosure & Compliance Division is available to provide general guidance and information in relation to preselection ballot compliance matters. The ECQ will not provide specific legal, financial or other professional advice. Registered political parties should seek their own legal advice if they are in doubt about how the law treats their particular circumstances.

The contact details for the Funding, Disclosure and Compliance Division are set out below:

Postal address: GPO Box 1393, BRISBANE QLD 4001

Office location: Level 20, 1 Eagle Street, Brisbane, Queensland

Telephone: 1300 881 665

Email: fad@ecq.qld.gov.au

Internet: www.ecq.qld.gov.au



2. Overview of preselection ballots

Preselection is the process by which a political party chooses an individual to become a candidate endorsed by the party for a particular election.

Registered political parties are free to adopt any form of preselection process that they wish, provided the rules associated with the preselection process are clearly stated in their constitutions.

If part or whole of the preselection process involves conducting a preselection ballot for either a state or local government election, then the preselection ballot must comply with particular requirements under the EA and the ER.

Part 9 of the EA allows for the ECQ to oversee the conduct of preselection ballots by performing inquiries or audits. Please refer to Section 5 and Section 6 of this handbook for further information about these processes.

What is a preselection ballot?

Under the EA, a preselection ballot means:

- the process, or that part of the process, of selecting a candidate to be endorsed by a political party for an election, or an election for a local government, in which a member of the party votes in a ballot in his or her capacity as a member of the party, rather than as a member of a committee (however called) of the party, for the candidate; and
- includes matters preparatory to the ballot and the scrutiny and counting of votes in the ballot.

If the selection of a candidate for an election involves a poll of the party members followed by the endorsement of the poll result by a party committee, only the poll is a preselection ballot.

However, where a poll in substance is a poll of party members for the purpose of preselecting a candidate for endorsement by the party, the ECQ will consider the poll to be a preselection ballot and will require compliance with the obligations provided for under Part 9 of the EA.

3. Notification of preselection ballots

If a registered political party is to conduct a preselection ballot for a candidate in relation to a state or local government election, the party's registered officer must notify the ECQ of this in writing at least 7 days before voting in the ballot is to be held.

If a registered political party endorses a candidate in a state general election or by-election, the party's registered officer must, within 7 days after that event, notify the ECQ using the approved form.¹ Further, within 30 days of polling day for the election, the party's registered officer must notify the ECQ whether the selection of the candidate/s involved a preselection ballot. Even if the party did not conduct a preselection ballot as part of the selection process, the ECQ must still be notified.


Penalty for failure to notify the ECQ of a preselection ballot (section 167(1) of the EA)

The registered officer of a registered political party must give the ECQ at least 7 days written notice of when voting in a preselection ballot is to be held. Non-compliance carries a maximum penalty of 40 penalty units (\$5,338 as at 1 July 2020).

Penalty for failure to notify the ECQ whether selection of a candidate for a state election involved a preselection ballot (section 170 of the EA)

The registered officer of a registered political party must, not later than 30 days after the polling day for an election in which the party endorsed a candidate, notify the ECQ whether the selection of the candidate involved a preselection ballot. Non-compliance carries a maximum penalty of 40 penalty units (\$5,338 as at 1 July 2020).

¹ Section 306A of the EA.



**Penalty for failure to notify the ECQ about the endorsement of candidates
(section 306A of the EA)**

The registered officer of a registered political party must notify the ECQ if it endorses a person to be a candidate in an election within 7 days after the endorsement happens. Non-compliance carries a maximum penalty of 40 penalty units (\$5,338 as at 1 July 2020).

4. Rules for preselection ballots

The ECQ can examine, as part of an inquiry or audit, whether a preselection ballot was conducted in accordance with:

- the model procedures, as prescribed under the ER; and
- the party's constitution.

Model procedures

The procedures prescribed for the conduct of a preselection ballot are set out under schedule 1 of the ER. These procedures are known as the 'model procedures'.

The ECQ provides a copy of the model procedures to the registered officer of a registered political party when it is first registered.

If the registered political party is to conduct a preselection ballot for an election, the registered officer of the party must provide a copy of the model procedures to each person who is a candidate in the ballot. The candidate must give the registered officer written acknowledgement of receipt of the model procedures.


The model procedures prescribed under the ER are set out in the [Appendix](#).

Party's constitution

All registered political parties in Queensland must have a constitution that complies with the statutory requirements set out in section 76 of the EA. One of these requirements stipulates that the constitution must contain a rule for selecting a candidate to be endorsed by the party for an election. Another is that the constitution must contain a rule requiring that a preselection ballot must satisfy the general principles of free and democratic elections.

The general principles of free and democratic elections as applied to a preselection ballot are as follows —

- only members of the party who are electors may vote;
- only members of the party who are eligible to vote in the ballot under the party's constitution may vote;
- each member has only 1 vote;
- voting must be done by secret ballot;
- a member must not be improperly influenced in voting;
- a member's ballot paper must be counted if the member's intention is clear;

- 
- members' votes must be accurately counted;
 - each person who is seeking selection may be present personally, or may be represented by another person, at the ballot and for the scrutiny, and counting, of votes.

Registered political parties are required to provide a quarterly report to the ECQ to advise about any changes made to their constitution and to provide the ECQ with updated copies if applicable. Party constitutions are made available for public inspection on the ECQ's website.

5. Inquiries of preselection ballots

The ECQ may inquire into a preselection ballot of a candidate for a state or local government election, to assess whether it has been conducted in accordance with the model procedures and the party's constitution. An inquiry may be conducted by the ECQ on its own initiative or following the receipt of a complaint from a candidate or a party member who is eligible to vote in the ballot.

A complaint about a preselection ballot must be made to the ECQ in writing within 30 days after the voting in the ballot takes place, and it must state the grounds on which the complaint is made. The ECQ may decide not to investigate a complaint if it does not comply with these requirements, or if the ECQ considers the complaint to concern a frivolous matter or to have been made vexatiously.

The ECQ may inquire into a preselection ballot before or after the voting in the ballot takes place. As part of an inquiry, the ECQ may require the registered officer to:

- provide a list of the names and addresses of the members of the party who voted, or are eligible to vote, in the ballot;
- certify that each member listed was, at the time of the ballot, or is, eligible to vote in the ballot under the party's constitution;
- provide copies of party records that are reasonably necessary for the ECQ to ensure the information provided is accurate.

Following the conclusion of an inquiry, the ECQ will provide a report to the Minister, stating whether the ballot was conducted in accordance with the party's constitution and the model procedures. This report is required to be tabled in Parliament.

Any membership lists or party records requested as part of the inquiry will be returned to the registered political party.

Penalty for failure to comply with a requirement relating to a preselection ballot inquiry (section 168(7) of the EA)

The registered officer must comply with a requirement to give the ECQ records in relation to a preselection ballot for the purposes of an inquiry, unless the registered officer has a reasonable excuse. Non-compliance carries a maximum penalty of 400 penalty units (\$53,380 as at 1 July 2020).

6. Audits of preselection ballots

After each state general election or by-election, the ECQ will undertake a random audit of the preselection ballots to identify whether the ballot was conducted in accordance with the model procedures and the party's constitution.

As soon as practicable after the 30th day after polling day, the ECQ will decide how many of the total number of preselection ballots of which it was notified for the election it will audit, before undertaking a random draw to select the ballots. The ECQ will notify the registered political parties of the date, time, and place of the draw so that any candidate or their representative who wishes to observe the draw may attend.

The ECQ will notify the party's registered officer of the ballots that were selected for the audit. The registered officer then has 1 month to:

- provide a list of the names and addresses of the members of the party who voted in the ballot; and
- certify that, at the time the ballot took place, each member listed was eligible to vote in the ballot under the party's constitution.

The ECQ may additionally require the registered officer to provide, within a stated reasonable period, copies of party records that are reasonably necessary for the ECQ to ensure the information provided is accurate.

Following the conclusion of an audit, the ECQ will provide a report to the Minister, stating whether the ballots selected for the audit were conducted in accordance with the model procedures and the parties' constitutions. This report is required to be tabled in Parliament.

Any membership lists or party records requested as part of the audit will be returned to the registered political party.

Penalty for failure to comply with a requirement relating to a preselection ballot audit (section 172(4) of the EA)

The registered officer must comply with a requirement to give the ECQ records in relation to a preselection ballot for the purposes of an audit, unless the registered officer has a reasonable excuse. Non-compliance carries a maximum penalty of 400 penalty units (\$53,380 as at 1 July 2020).


Appendix

Model Procedures for Preselection Ballots

Schedule 1 – *Electoral Regulation 2013*

Contents

Part 1 Preliminary	11
1 Definitions	11
Part 2 Returning officer	11
2 Returning officer for a preselection ballot	11
3 Appointment of returning officer	12
4 Eligibility of returning officer to vote in preselection ballot	12
Part 3 Nomination of preselection ballot candidate	12
5 Calling for nominations of candidates	12
6 Matters to be stated in call for nominations	12
7 Matters to be stated in nominations	13
8 Withdrawal of nomination	13
9 Acceptance of nominations	14
10 Closing time for membership roll	14
Part 4 Preparation for preselection ballot	14
11 Application of pt 4	14
12 Notice to candidates	14
13 Matters to be stated in notice to candidates	14
14 Preselection roll	15
15 Inspection of preselection roll	15
16 Preselection ballot papers	15
Part 5 Preselection ballot	16
17 Voting	16
18 Preselection ballot box	16
19 Issuing ballot papers	16
20 Issuing a postal vote	16
21 Declaration envelope for postal vote	16
22 Postal voting	17



23	Attendance voting	17
24	Voting assistance	17
25	Counting votes for a preselection ballot	17
26	Scrutineers for a preselection ballot	18
27	How preselection ballot result is decided	19
28	Certification of result and preselection ballot report	19
29	Documents to be kept	19

Part 1 Preliminary

1 Definitions

In this schedule—

address for receipt of nominations, for a preselection ballot, means the address stated in the call for nominations as the address at which nominations must be received.

address for receipt of postal votes, for a preselection ballot, means the address stated in the call for nominations as the address at which postal votes must be received.

call for nominations means a call for nominations of candidates for a preselection ballot.

closing time, for each of the following, means the time, stated in a call for nominations, when—

- (a) for a membership roll—a political party's membership roll closes for a preselection ballot;
- (b) for a preselection ballot—the preselection ballot closes;
- (c) for nominations—nominations close;
- (d) for postal voting—postal votes must be received at the address for receipt of postal votes.

eligible postal voter, for a political party's preselection ballot, means an eligible preselection voter who, under the party's constitution, is eligible to vote in the party's preselection ballot by postal vote.

eligible preselection voter means a member of a political party who, under the party's constitution, is eligible to vote in the party's preselection ballot.

give, for a postal vote, includes send.

issuing officer means a person authorised by a returning officer to give preselection ballot papers to eligible preselection voters.

preselection roll see section 14(1).

return envelope means an envelope given to an eligible postal voter by the returning officer so that the voter may comply with section 22.

returning officer means a returning officer appointed for a preselection ballot under section 3.

sealed ballot box means a ballot box that complies with section 18(b).

voting material, for a postal vote, means—

- (a) a ballot paper; and
- (b) a declaration envelope; and
- (c) a return envelope; and
- (d) notice of—
 - (i) the closing time for postal voting; and
 - (ii) the address for receipt of postal votes.

Part 2 Returning officer

2 Returning officer for a preselection ballot

- (1) There must be a returning officer for a preselection ballot.
- (2) The returning officer is responsible for ensuring the appropriate conduct of the preselection ballot.
- (3) The returning officer must not improperly influence the outcome of the preselection ballot.

3 Appointment of returning officer

- (1) A returning officer may be appointed for a particular preselection ballot or for all preselection ballots that close during a particular period.
- (2) If a political party's constitution provides for the way a returning officer is to be appointed, the returning officer must be appointed under the constitution.
- (3) Otherwise—
 - (a) the returning officer must be appointed by resolution of the party, or the section of the party for which the preselection ballot is being held, at a meeting held under the party's constitution; and
 - (b) the appointment must be recorded in the minutes of the meeting.
- (4) For an appointment under subsection (3), the following must be recorded in the minutes—
 - (a) the returning officer's name;
 - (b) the address of the returning officer's place of business;
 - (c) if the appointment is for a particular preselection ballot—the preselection ballot;
 - (d) if the appointment is for all preselection ballots that close during a particular period—the period.

4 Eligibility of returning officer to vote in preselection ballot

- (1) If a person appointed as the returning officer for a political party's preselection ballot is otherwise eligible to vote in the preselection ballot, the person remains eligible to vote despite the appointment.
- (2) Subsection (1) does not apply if, under the party's constitution, a returning officer is ineligible to vote because of the appointment.

Part 3 Nomination of preselection ballot candidate

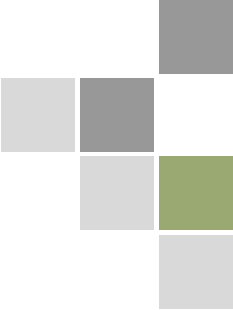
5 Calling for nominations of candidates

- (1) A returning officer must call for nominations of candidates for a preselection ballot in writing.
- (2) If a political party's constitution provides for the way nominations of candidates are to be called for, nominations must be called for under the constitution.
- (3) Otherwise, the call for nominations must be—
 - (a) if the party publishes and gives its members a journal or newsletter free of charge—by advertisement in the journal or newsletter; or
 - (b) by advertisement in a daily newspaper circulating in the area for which the preselection ballot is to be held.

6 Matters to be stated in call for nominations

A call for nominations must state the following—

- (a) the number of candidates required to be selected by the preselection ballot;
- (b) any criteria about who may nominate as a candidate;
- (c) when nominations open;

- 
- (d) the closing time for nominations;
 - (e) the address for receipt of nominations;
 - (f) that a nomination must—
 - (i) be in writing; and
 - (ii) state the nominee's surname and given names as they appear on the electoral roll on which the nominee is enrolled; and
 - (iii) if the nominee would prefer names by which the nominee is commonly known to appear on ballot papers instead of the nominee's given names—state the preferred names; and
 - (iv) be signed by the nominee; and
 - (v) be received at the address for receipt of nominations by the closing time for nominations;
 - (g) that if the preselection ballot is necessary because the number of nominations accepted is greater than the number of candidates required to be selected by the preselection ballot—
 - (i) how the preselection ballot will be held; and
 - (ii) the closing time for the party's membership roll; and
 - (iii) any criteria about who is eligible to vote in the preselection ballot; and
 - (iv) the time, and address where, the preselection roll will be available for inspection; and
 - (v) if the preselection ballot includes attendance voting, when and where an eligible preselection voter may vote; and
 - (vi) if the preselection ballot includes postal voting—
 - (A) the address for receipt of postal votes; and
 - (B) the closing time for postal voting; and
 - (vii) the closing time for the preselection ballot;
 - (h) any other matter required under the party's constitution to be included in a call for nominations.

7 Matters to be stated in nominations

The nomination of a candidate for a political party's preselection ballot must—

- (a) be in writing; and
- (b) state the nominee's surname and given names as they appear on the electoral roll on which the nominee is enrolled; and
- (c) if the nominee would prefer names by which the nominee is commonly known to appear on ballot papers instead of the nominee's given names—state the preferred names; and
- (d) be signed by the nominee; and
- (e) be received at the address for receipt of nominations by the closing time for nominations; and
- (f) comply with—
 - (i) any criteria stated in the call for nominations under section 6(b); and
 - (ii) any other requirement for a nomination under the party's constitution.

8 Withdrawal of nomination

- (1) A nominee may withdraw their nomination by giving written notice of the withdrawal.
- (2) The withdrawal is effective if received at the address for receipt of nominations by the closing time for nominations.

- 
- (3) A nomination withdrawn under this section is taken never to have been made.

9 Acceptance of nominations

- (1) As soon as practicable after the closing time for nominations, the returning officer must decide whether to accept each nomination.
- (2) The returning officer must and may only accept a nomination if the nomination complies with section 7.
- (3) If a nomination is not accepted, the nomination is taken never to have been made.

10 Closing time for membership roll

The membership roll for a section of a political party for which a preselection ballot is being held must close at least 7 days before the closing time for nominations.

Part 4 Preparation for preselection ballot

11 Application of pt 4


This part applies if the number of nominations of candidates for a political party's preselection ballot accepted under section 9 is greater than the number of candidates required to be selected in the preselection ballot.

12 Notice to candidates

As soon as practicable after the closing time for nominations, the returning officer must give written notice to each candidate for the preselection ballot whose nomination is accepted.

13 Matters to be stated in notice to candidates

- (1) A notice given under section 12 must state the following—
 - (a) how the preselection ballot will be held;
 - (b) if voting is to be entirely by attendance voting, when and where an eligible preselection voter may vote;
 - (c) if voting is to be entirely by postal voting—
 - (i) the closing time for postal voting; and
 - (ii) the address at which postal votes must be received;
 - (d) if voting is to be conducted by both attendance voting and postal voting—the information mentioned in paragraphs (b) and (c);
 - (e) that a candidate for the preselection ballot or a party member may inspect the preselection roll
 - (i) free of charge; and
 - (ii) at the address stated; and
 - (iii) at the times stated and during the period that starts on the day after the closing time for nominations and ends 30 days after the closing time for the preselection ballot;
 - (f) that a candidate may appoint a scrutineer to act for the candidate;
 - (g) any other matter required under the party's constitution to be included in a notice to candidates about a preselection ballot.

- 
- (2) The information in the notice, including, for example, when and where a person may vote, must be consistent with the information in the call for nominations.

14 Preselection roll

- (1) The returning officer must, for the section of the party for which the preselection ballot is being held, prepare a roll in compliance with this section (the preselection roll) of members as at the closing time for the membership roll.
- (2) The returning officer must—
 - (a) cross off the preselection roll the name of a party member who is on the membership roll at the closing time for the membership roll but is ineligible to vote in the preselection ballot; and
 - (b) note against the name of the party member the reason for the member's ineligibility.
- (3) The preselection roll must contain the name and address of each eligible preselection voter as shown in the party's records.
- (4) A person who is not on the membership roll at the closing time for the membership roll is ineligible to vote in the preselection ballot.
- (5) The party's registered officer must certify that the members on the preselection roll—
 - (a) were on the membership roll at the closing time for the membership roll; and
 - (b) are eligible to vote in the preselection ballot under the party's constitution.

15 Inspection of preselection roll

- (1) The returning officer must make the preselection roll available for inspection by a candidate for the preselection ballot or a party member—
 - (a) free of charge; and
 - (b) at the address stated in the call for nominations; and
 - (c) at the times stated in the call for nominations and during the period that starts on the day after the closing time for nominations and ends 30 days after the closing time for the preselection ballot.
- (2) If a candidate for the preselection ballot or a party member asks for a copy of the roll, or part of the roll, the returning officer must give the candidate or party member the copy free of charge.

16 Preselection ballot papers

- (1) The returning officer must, as soon as practicable after the closing time for nominations, prepare the ballot papers for the preselection ballot.
- (2) The ballot papers must—
 - (a) either—
 - (i) state the nominee's surname and given names as they appear on the electoral roll; or
 - (ii) if a nomination states the nominee's preferred names—state the nominee's surname and preferred names; and
 - (b) describe how a voter must mark the ballot paper so that the voter's intention is clear.
- (3) The returning officer must decide by lot the order of names of candidates on the ballot papers.

Part 5 Preselection ballot

17 Voting

- (1) Voting in a preselection ballot must be by secret ballot.
- (2) An eligible preselection voter has only 1 vote in a preselection ballot.
- (3) A vote in a preselection ballot is informal only if—
 - (a) the ballot paper is marked in a way that allows the voter to be identified; or
 - (b) the voter's intention is not clear from the ballot paper.

18 Preselection ballot box

The returning officer must—

- (a) use 1 or more ballot boxes for a preselection ballot; and
- (b) seal the ballot box in a way that—
 - (i) allows ballot papers and any other voting material to be inserted into the ballot box; and
 - (ii) prevents ballot papers and any other voting material from being—
 - (A) inserted into the ballot box after the closing time for the preselection ballot; or
 - (B) removed from the ballot box until the votes are to be counted; and
- (c) keep the ballot box in a secure location.

19 Issuing ballot papers

The returning officer or an issuing officer must initial a ballot paper for a preselection ballot before it is given to an eligible preselection voter.

20 Issuing a postal vote

- (1) The returning officer must give voting material to each eligible postal voter in time for the voter to receive the voting material and return the ballot paper to the address for receipt of postal votes by the closing time for postal voting.
- (2) If, at an eligible postal voter's request, the returning officer gives the voter duplicate voting material, the returning officer must note on the preselection roll beside the voter's name that the voter has been given the material.
- (3) The returning officer must give voting material in a sealed envelope—
 - (a) if an eligible postal voter attends the returning officer's place of business and asks to receive the voting material personally—to the voter personally; or
 - (b) if an eligible postal voter gives the returning officer written notice of another address for the voter that is different from the address for the voter shown on the preselection roll—to the voter at the other address; or
 - (c) otherwise—to an eligible postal voter at the voter's address shown on the preselection roll.

21 Declaration envelope for postal vote

The declaration envelope for a postal vote must include—

- (a) the voter's name; and

(b) the following statement—

‘I certify that I am the person whose name appears on this envelope and I have voted on the enclosed ballot paper.’; and

(c) a space for the voter’s signature below the statement mentioned in paragraph (b).

22 Postal voting

(1) To make a postal vote in a preselection ballot, an eligible postal voter must—

- (a) complete the ballot paper for the preselection ballot; and
- (b) put the completed ballot paper inside the declaration envelope; and
- (c) complete the declaration envelope; and
- (d) put the declaration envelope inside the return envelope; and
- (e) return the return envelope to the address for receipt of postal votes so that it is received by the closing time for postal voting.

(2) The returning officer must ensure any return envelope received at the address for receipt of postal votes by the closing time for postal voting is deposited, without being opened, in a sealed ballot box for the preselection ballot.

23 Attendance voting

(1) The returning officer or an issuing officer must—

- (a) before giving a person a ballot paper for attendance voting for a preselection ballot, be satisfied about the person’s identity and that the person is on the preselection roll; and
- (b) note beside the person’s name on the preselection roll that the person has been issued with a ballot paper for an attendance vote.

(2) The returning officer or an issuing officer must ensure that—

- (a) upon completion of the ballot paper, the person places the ballot paper in a sealed ballot box for the preselection ballot; and
- (b) any spoiled ballot paper for which a replacement ballot paper is given is kept by the returning officer or issuing officer for sections 28 and 29.

24 Voting assistance

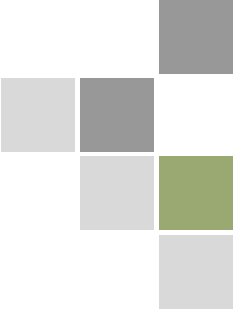
(1) This section applies if an eligible preselection voter can not vote without the help of another person.

(2) A person may help the voter to vote but must not attempt to improperly influence the voter in voting.

25 Counting votes for a preselection ballot


(1) Before counting the votes, if a preselection ballot includes postal voting, the returning officers must—

- (a) open the ballot box containing the return envelopes; and
- (b) for each return envelope—
 - (i) open the return envelope; and
 - (ii) take out the declaration envelope; and

- 
- (iii) ensure the declaration on the declaration envelope is signed; and
 - (iv) be satisfied about the identity of the person who signed the declaration; and
 - (v) ensure the preselection roll does not show that the voter mentioned on the declaration envelope has previously voted; and
 - (vi) put aside the declaration envelope if it is rejected because—
 - (A) it has not been signed; or
 - (B) the voter has previously voted; and
 - (vii) note on the preselection roll, beside the voter's name, that a declaration envelope has been received from the voter; and
 - (viii) place the declaration envelope in a sealed ballot box unless it is put aside under subparagraph (vi); and
- (c) ensure a declaration envelope put aside under paragraph (b)(vi) is kept for sections 28 and 29.
- (2) After the closing time for the preselection ballot, if the preselection ballot includes postal voting, the returning officer must—
- (a) open the ballot box containing the declaration envelopes; and
 - (b) take the ballot papers out of the declaration envelopes in a way that ensures the secrecy of the ballot; and
 - (c) place the ballot papers in another sealed ballot box.
- (3) Subsection (4) applies—
- (a) if the preselection ballot includes postal voting—after the returning officer has complied with subsection (2); and
 - (b) after the closing time for the preselection ballot.
- (4) The returning officer must—
- (a) open the ballot box or boxes containing the ballot papers; and
 - (b) admit the formal ballot papers and reject the informal ballot papers; and
 - (c) count the votes for each candidate for the preselection ballot on all formal ballot papers and record the number for each candidate; and
 - (d) count the number of informal ballot papers.
- (5) In this section, a voter is taken to have previously voted if a note beside the voter's name on the preselection roll shows that—
- (a) a declaration envelope has already been received from the voter; or
 - (b) the voter has been issued with a ballot paper for an attendance vote.

26 Scrutineers for a preselection ballot

- (1) A scrutineer for a preselection ballot may be present at any of the following times—
- (a) for an attendance vote—when a ballot paper is given to an eligible preselection voter;
 - (b) for a postal vote—when a return envelope is opened and a declaration envelope is scrutinised;
 - (c) when a ballot box is opened;
 - (d) when votes are scrutinised and counted.
- (2) At each time mentioned in subsection (1), there may be only 1 scrutineer present for each candidate.

- 
- (3) A scrutineer for a preselection ballot may be—
 - (a) a candidate; or
 - (b) a person appointed by a candidate to act as a scrutineer for the candidate.
 - (4) A person's appointment as a scrutineer must be—
 - (a) in writing; and
 - (b) signed by the candidate; and
 - (c) given to the returning officer before the person acts as scrutineer.

27 How preselection ballot result is decided

- (1) The result of a political party's preselection ballot is decided in the way provided for under the party's constitution.
- (2) If the party's constitution does not provide a way for deciding the result, the result is decided on a first-past-the-post basis, having regard to the number of formal ballot papers recorded for each candidate.
- (3) If the party's constitution does not provide a way for deciding a tied result, the returning officer must decide by lot which of the tied candidates is the successful candidate.

28 Certification of result and preselection ballot report

- (1) The returning officer for a political party's preselection ballot must—
 - (a) certify the result of the preselection ballot; and
 - (b) prepare a report for the party on the conduct of the preselection ballot.
- (2) The report on the conduct of the preselection ballot must—
 - (a) include a reconciliation of the ballot papers at the closing time for the preselection ballot; and
 - (b) be included in the minutes of the next meeting of the party, or the section of the party for which the preselection ballot was held, after the report is prepared.

- (3) In this section—


issued means given to a voter under section 20 or 23.

reconciliation, of the ballot papers, means a document showing the total of the following is equal to the number of ballot papers printed—

- (a) the number of ballot papers issued (including duplicate and replacement ballot papers);
- (b) the number of ballot papers unused.

29 Documents to be kept

- (1) The returning officer must give the following documents to the party's registered officer—
 - (a) if section 3(2) applies, a copy of a document that is evidence of the appointment of the returning officer;
 - (b) if section 3(3) applies, a copy of the minutes;
 - (c) a copy of the call for nominations;
 - (d) a written statement about the way nominations were called for under section 5;
 - (e) all nominations of candidates including nominations that were withdrawn or not accepted;
 - (f) any withdrawal of a nomination;

- 
- (g) if a preselection ballot is held—
- (i) a copy of the membership roll, for the section of the party for which the preselection ballot is held, at the closing time for the membership roll; and
 - (ii) a copy of the notice to candidates given under section 12; and
 - (iii) the preselection roll; and
 - (iv) all ballot papers; and
 - (v) if the preselection ballot included postal voting, any declaration envelopes received at the address for receipt of postal votes; and
 - (vi) for each scrutineer for the preselection ballot appointed to act for a candidate, a copy of the appointment given to the returning officer; and
 - (vii) a document showing the total number of formal votes, the number recorded for each candidate and the total number of informal votes; and
 - (viii) the certification and report mentioned in section 28(1); and
 - (ix) a copy of the minutes mentioned in section 28(2)(b).
- (2) The registered officer must keep the documents—
- (a) for a preselection ballot for an election for a local government—until the cut off day for the voter's roll for the next quadrennial election of the local government after that election; or
 - (b) for a preselection ballot for another election—until the day the writ is issued for the next general election after that election.
- (3) In this section—
- cut off day for the voter's roll**, for a quadrennial election of a local government, means 31 January in the year of the quadrennial election.