

# Guide for Candidates

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## HANDBOOK

LOCAL GOVERNMENT ELECTIONS  
& BY-ELECTIONS



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# General Information

## INTRODUCTION

This handbook is compiled to assist candidates at Local Government 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:

- *Local Government Electoral Act 2011*
- *Local Government Act 2009*
- *City of Brisbane Act 2010*

## ELECTORAL COMMISSION OF QUEENSLAND

Elections are conducted by the Electoral Commission of Queensland (ECQ) which has its office at Level 20, Waterfront Place, 1 Eagle Street, Brisbane. ECQ will assist where possible by providing information, but it does not provide legal advice to candidates, scrutineers or their representatives.

A Returning Officer (RO) is appointed for each of the Local Government Areas in Queensland and for Brisbane City Council for each ward.

## WHO CAN BE A CANDIDATE?

You can be nominated as a candidate if:

- You are an adult Australian citizen.
- You reside in the Local Government Area.
- You are enrolled on an electoral roll as at close of rolls for the Local Government Area concerned.
- You are not a disqualified person.

You can only continue to hold office as a Councillor as long as your qualifications to become a Councillor remain satisfied.

### ***Local Government Electoral Act 2011 Section 26 Who may be nominated***

- (1) A person may be nominated as a candidate, or for appointment, as a councillor only if the person is qualified to be a councillor under the-
  - (a) for a councillor of the Brisbane City Council—*City of Brisbane Act 2010*, section 152; or
  - (b) for a councillor of another local government—*Local Government Act 2009*, section 152.
- (2) However, a person who is a candidate for election as a member of an Australian Parliament, can not be nominated for election or appointment as a councillor until—

- (a) for an election under the *Electoral Act 1992*—the day the electoral commission is notified, under section 131(1) of that Act, of the candidate elected for the electoral district for which the person is a candidate; or
- (b) for an election under the *Commonwealth Electoral Act 1918* (Cwlth) -
  - (i) the day the result of the election and the candidates elected are declared under section 283 of that Act; or
  - (ii) the day the candidate elected for the division for which the person is a candidate is declared under section 284 of that Act.
- (3) To remove any doubt, it is declared that, a person is not disqualified from being nominated as a candidate, or for appointment, as a councillor only because the person is a member of the Legislative Assembly or a local government employee.

*Example -*

A person who is a member of the Legislative Assembly may nominate as a candidate for election as a councillor but must resign on becoming a candidate.

## WHO CAN NOT BE A CANDIDATE?

### *Local Government Act 2009* Section 153 Disqualification for certain offences

- (1) A person can not be a councillor—
  - (a) after the person is convicted of a treason offence, unless the person is pardoned of the treason offence; or
  - (b) for 10 years after the person is convicted of an electoral offence; or
  - (c) for 7 years after the person is convicted of a bribery offence; or
  - (d) for 4 years after the person is convicted of an integrity offence; or
  - (e) for the remainder of the term before the next quadrennial elections, if the person has been dismissed as a councillor under section 122 or 123.
- (2) A **treason offence** is an offence of treason, sedition or sabotage under the law of Queensland, another State or the Commonwealth.
- (3) An **electoral offence** is—
  - (a) a disqualifying electoral offence under the Electoral Act; or
  - (b) an offence that would be a disqualifying electoral offence had the conviction been recorded after the commencement of the *Electoral and Other Acts Amendment Act 2002*.

# General Information

- (4) A **bribery offence** is an offence against—
- (a) section 98C of the Criminal Code; or
  - (b) a corresponding law of another State or the Commonwealth.
- (5) An **integrity offence** is an offence against—
- (a) section 171,171A(2) or (3),172(5) or 234; or
  - (b) section 171B(2), if the person is convicted of an offence to which paragraph (a) of the penalty applies; or
  - (c) section 98B, 98E or 98G(a) or (b) of the Criminal Code.
- (6) A person automatically stops being a councillor when the person is convicted of—
- (a) a treason offence; or
  - (b) an electoral offence; or
  - (c) a bribery offence; or
  - (d) an integrity offence.
- (7) A person is taken to have been convicted of an offence—
- (a) if the person appeals the conviction—when the appeal is dismissed, struck out or discontinued; or
  - (b) if the person does not appeal the conviction—at the end of the time within which an appeal must by law be started.

## THE ELECTION

A Notice of Election will be advertised in newspapers and will also be available on ECQ's website. Once the Notice has been published nominations may be accepted by the RO or ECQ.

## PUBLICATION OF RESULTS

Local Government Area results will be posted on ECQ's website after polling concludes. These will be updated as counting continues after Polling Day. Large undivided Local Government Areas with First-Past-the-Post voting may take longer to have results posted on the website. The RO for each Local Government Area will declare the persons elected as Mayor and Councillor/s as soon as practicable after the election.

## NOMINATIONS

Candidates can nominate electronically via ECQ's website [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au). You may also print a blank form and complete it by hand.

**NB.** If you do not have access to a computer, you can phone your local RO or ECQ and request that a printed Nomination Form be sent to you.

Once in the website, the nominee or Registered Officer (for a registered political party) clicks on NOMINATION, selects LOCAL GOVERNMENT and follows the prompts. You must print out the nomination form once completed and have your nominators sign prior to lodgement with your RO.

## HOW TO NOMINATE FOR MAYOR

You may be nominated in either of the following ways:

- By the Registered Officer of a political party registered pursuant to the *Electoral Act 1992* that has endorsed you as its candidate for Mayor.
- By 6 or more persons who are enrolled for an address within the Local Government Area you intend to contest.
- It is your responsibility to check the accuracy of personal information entered electronically by you.

## HOW TO NOMINATE FOR COUNCILLOR

You may be nominated in either of the following ways:

- By the Registered Officer of a political party registered pursuant to the *Electoral Act 1992* that has endorsed you as its candidate for Councillor of a Local Government Area (Undivided) or a division/ward within a Local Government Area (Divided).
- By 6 or more persons who are enrolled for an address within the Local Government Area (Undivided Council) or a division/ward within the Local Government Area (Divided Council) you intend to contest.
- It is your responsibility to check the accuracy of personal information entered electronically by you.

## DUAL CANDIDACY NOT PERMITTED

A person cannot stand as a candidate for both councillor and mayor, be a candidate for more than one Local Government Area or be a candidate for more than one division or ward in a Local Government Area.

# Nominations

## GROUPS OF CANDIDATES

Candidates may form a group to contest the elections. The group name will appear on the ballot paper. However, a *group of candidates*, for an election, does not include a political party or an associated entity

## RECORDING OF GROUP MEMBERSHIPS

Groups of candidates must complete a record of Group Membership and Appointment of Group Agent form as required under the *Local Government Electoral Act 2011*. The form needs to be lodged with the RO for the Local Government Area as soon as all the candidates in the group have nominated for the election, but before 12noon on the day nominations close.

## WHEN TO NOMINATE

A nomination may only be lodged:

- AFTER the Notice of Election; and
- BEFORE 12noon on the cut-off day for nomination of Candidates for the Election, this day/date is shown in the Election Notice.

## WHERE TO NOMINATE

A nomination must be on the approved form and be given to the RO of the Local Government Area. Endorsed candidates nominations must be lodged at the ECQ head office in Brisbane.

## DEPOSIT REQUIRED

A deposit of \$250 (bank cheque made payable to ECQ, cash or EFT) must be lodged upon nomination with the RO.

The deposit will be returned to candidates who:

- Withdraw consent to the nomination before noon on the cut-off day for Nominations are elected
- Gain more than 4% of the total number of formal First Preference Votes polled in the Local Government Area or division or ward which they contested;
- In the case of First-Past-the-Post Voting, gains more than 4% of the total number of formal votes cast for the Local Government Area.

As soon as practicable after the conclusion of the election eligible candidate or political party deposits will be refunded.

Where a candidate does not qualify for a refund, the deposit becomes the property of the State.



## ANNOUNCEMENT OF NOMINATIONS

The RO decides whether a person is properly nominated and must give the nominee reasons for a decision to reject their nomination. The *Local Government Electoral Act 2011* provides instances where the nomination may result in a candidate not being properly nominated because the nomination name:

- (a) is a party name; or
- (b) so nearly resembles a party name that it is likely to be confused with or mistaken for the party name; or
- (c) includes the word ‘independent’; or
- (d) is a public body name; or
- (e) so nearly resembles a public body name that it is likely to be confused with or mistaken for the public body name; or
- (f) is obscene or offensive.

If the RO decides that a person is not properly nominated, they must give a notice to the person stating the decision and the reasons for that decision, and advise the person of their right to seek an injunction.

If the RO is satisfied that a person has been properly nominated, they must certify the nomination and give a copy of the certificate to the candidate. The certificate of nomination must contain details of the time, day and place proposed for a draw for the order of listing of candidates’ names on the ballot paper.

As soon as practicable after receipt of a nomination, the RO must display a copy of the Nomination Form in a conspicuous position at the place of nomination.

## UNCONTESTED ELECTION

If the number of candidates properly nominated for an election does not exceed the number required, the candidate/s is/are deemed to be elected.

If there are no candidates for the election or the number of candidates nominated is less than the number required to be elected the Governor-in-Council may, by Gazette Notice, appoint the number of persons necessary to constitute fully the Local Government Area.

# Nominations

## THE BALLOT PAPER DRAW

The order of candidates' names on the ballot paper is determined by a draw conducted by the RO. The mayoral ballot paper draw for the Brisbane City Council election will be conducted by ECQ at Head Office. Details of the time and location of the draws will be confirmed by the RO and ECQ. Candidates or their representatives are welcome to attend the draw.

Following the draw, the RO will display the names in ballot paper order.

## THE ROLL

ECQ will furnish councillor candidates with a roll showing the names and addresses of electors enrolled within their Local Government Area/Division/Ward as at the date of roll closure. Mayoral candidates will receive the whole of Local Government Area roll.

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## ELECTORAL ADVERTISING

The *Local Government Electoral Act 2011* provides for various offences relating to electoral advertising carried out by Candidates. Refer to the Act for a full list of offences.

## OFFENCES RELATING TO ELECTORAL ADVERTISING

### Section 177 Author of election material must be named

- (1) A person must not, during the election period for an election —
  - (a) print, publish, distribute or broadcast; or
  - (b) allow or authorise another person to print, publish, distribute or broadcast; any advertisement, handbill, pamphlet or notice containing election material unless there appears, or is stated, at its end the particulars required by subsection (2).
- (2) The particulars are the name and address, other than a post office box, of the person who authorised the advertisement, handbill, pamphlet or notice.
- (3) Subsection (1) does not apply to an advertisement that —
  - (a) is printed, published or distributed on a car sticker, T-shirt, lapel button, lapel badge, pen, pencil or balloon; or
  - (b) is of a kind prescribed by regulation.
- (4) Also, subsection (1) does not apply to distributing, or allowing or authorising another person to distribute a how-to-vote card.
- (5) In this section —

**publish** includes publish on the internet, even if the internet site on which the publication is made is located outside Queensland.

### Section 178 Distribution of how-to-vote cards

- (1) During the election period for an election, a person must not distribute, or allow or authorise another person to distribute, a how-to-vote card that does not comply with subsections (2) to (5).
- (2) A how-to-vote card must state the name and address of the person who authorised the card.
- (3) A how-to-vote card must also state —
  - (a) if the card is authorised for a political party or a candidate endorsed by a political party—
    - (i) if the register of political parties includes an abbreviation of the party's name – the party's abbreviated name; or
    - (ii) otherwise—the party's full name included in the register of political parties; or

# Electoral Advertising & Offences

*Example for paragraph (a)—*

‘Authorised P. Smith, 123 Main Street Brisbane for *[name of political party]*’

- (b) if paragraph (a) does not apply and the card is authorised for a group of candidates or for a candidate who is a member of a group of candidates—the group’s name; or

*Example for paragraph (b)—*

‘Authorised M. Taylor, 99 King Street Port Douglas for *[name of group]*’

- (c) otherwise—the candidate’s name and the word ‘candidate’.

*Example for paragraph (c)—*

‘Authorised R. Jones, 88 Queen Street Brisbane for R. Jones (candidate)’

- (4) For subsection (2)—

- (a) the address must not be a post office box; and  
(b) if the card is authorised for a group of candidates or for a candidate who is a member of a group of candidates, the authorising person must be a member of the group.

- (5) The particulars mentioned in subsections (2) and (3) must appear—

- (a) at the end of each side of the how-to-vote card that contains print; and  
(b) in prominent and legible characters in print no smaller than—  
(i) if the card is not larger than A6—10 point; or  
(ii) if the card is larger than A6 but not larger than A3—14 point; or  
(iii) if the card is larger than A3—20 point.

- (6) During the election period for an election, a person must not distribute, or allow or authorise another person to distribute, a how-to vote card if the person knows, or ought reasonably to know, that the particulars, or any of the particulars, mentioned in subsections (2) and (3) on the card are false.

## Section 179 Giving of how-to-vote cards to electoral commission

- (1) The person who authorised a how-to-vote card for a political party, or for a candidate endorsed by a political party, for an election must, no later than 5pm on the Friday that is at least 7 days before the polling day for the election, give the electoral commission—

- (a) the required number of the how-to-vote cards; and  
(b) a statutory declaration relating to any financial contribution received from another political party or another candidate, whether directly or from someone else on behalf of the party or candidate, in relation to the production of the how-to-vote card that states—

- (i) who the financial contribution was received from or on behalf of; and
  - (ii) the nature and amount of the financial contribution.
- (2) The person who authorised a how-to-vote card for a candidate or a group of candidates for an election, other than a candidate or group of candidates endorsed by a political party for the election, must, by 5pm on the Friday that is at least 7 days before the polling day for the election, give the electoral commission—
- (a) the required number of the how-to-vote cards; and
  - (b) a statutory declaration relating to any financial contribution received from a political party or another candidate, whether directly or from someone else on behalf of the party or candidate, in relation to the production of the how-to-vote card that states—
    - (i) who the financial contribution was received from or on behalf of; and
    - (ii) the nature and amount of the financial contribution.

*Example for subsections (1) and (2)—*

If polling day is Saturday, 25 March, the how-to-vote cards and statutory declaration must be lodged by 5pm on Friday, 17 March.

- (3) The electoral commission must reject a how-to-vote card received under subsection (1) or (2) if—
- (a) the how-to-vote card does not comply with section 178(2) to (5); or
  - (b) the electoral commission is satisfied, on reasonable grounds, the how-to-vote card is likely to mislead or deceive an elector in voting under this Act.
- (4) If the electoral commission rejects a how-to-vote card under subsection (3) (b), the electoral commission must give the person who authorised the how-to-vote card written reasons for the rejection.
- (5) A person to whom reasons are given under subsection (4) may, no later than 5pm on the Wednesday immediately before the polling day for the election—
- (a) revise the how-to-vote card; and
  - (b) give the electoral commission the things mentioned in subsections (1)(a) and (b) or (2)(a) and (b) in relation to the revised how-to-vote card.
- (6) Before polling day, the returning officer must ensure an accepted how-to-vote card is available—
- (a) for public inspection for free at—
    - (i) the place of nomination under section 25; and
    - (ii) if the place of nomination is not also the public office of the local government for which the election is to be held—the local government’s public office; and

# Electoral Advertising & Offences

(b) on the electoral commissions website.

(7) On polling day, the returning officer must, to the extent practicable, make an accepted how-to-vote card available for public inspection at each polling booth for which the how-to-vote card is relevant.

(8) An election is not invalid only because the returning officer does not comply with subsection (6) or (7).

(9) In this section —

**financial contribution** means a contribution in the form of money, property or other valuable consideration.

**required number**, of how-to-vote cards, means 12 more than the number of polling booths within the local government's area at which the cards are to be distributed.

## Section 180 Unauthorised how-to-vote cards

(1) A person must not distribute or authorise someone else to distribute, a how-to-vote card to which section 179(1) or (2) applies on polling day for an election unless section 179(1) or (2) has been complied with for the card.

(2) If, on polling day for an election, an electoral officer reasonably suspects a person is distributing a how-to-vote card to which section 179(1) or (2) applies and that section 179(1) or (2) has not been complied with for the card, the electoral officer may —

(a) require the person to produce the how-to-vote card for inspection; and

(b) confiscate any how-to-vote cards that have not been given as required under section 179(1) or (2).

(3) A person must not obstruct an electoral officer in the exercise of the power under subsection (2) (b), unless the person has a reasonable excuse.

## Section 181 Headline to electoral advertisements

The proprietor of a newspaper must not print in the newspaper any article, or a paragraph, containing information that relates to an election or a matter debated in the election if—

(a) either —

(i) the insertion of the article or paragraph is, or is to be, paid for; or

(ii) any reward or compensation, or promise of reward or compensation, is, or is to be, made for the insertion of the article or paragraph; and

(b) the proprietor does not cause the word 'advertisement' to be printed as a headline to the article or paragraph in letters not smaller than 10 point or long primer.

## Section 182 Misleading electors

- (1) During an election period for an election, a person must not print, publish, distribute or broadcast anything that is intended or likely to mislead an elector about the ways of voting at the election.
- (2) A person must not, for the purpose of affecting the election of a candidate, knowingly publish a false statement of fact about the personal character or conduct of the candidate.
- (3) During an election period for an election, a person must not print, publish, distribute or broadcast by television anything that purports to be a representation of a ballot paper for use in the election, if it is likely to induce an elector to cast an informal vote.
- (4) In this section-

**publish** includes publish on the internet, even if the internet site on which the publication is made is located outside Queensland.

## LODGING HOW-TO-VOTE CARDS

### How-to-Vote Cards at Electoral Visits and Declared Institutions

Your RO will give you the opportunity to provide them with HTV Cards for Polling Officials to display at Electoral Visits (EVs) and Declared Institutions (DIs) during voting times.

Candidates who participate in this arrangement will have their HTV Cards glued on a manilla folder or the like in the same order as their names appear on the ballot paper.

### How To Vote Cards to be Distributed on Polling Day

#### MAYORAL HTV CARDS

If authorised for a registered political party or a candidate authorised by a registered political party:

- 12 cards, plus one for each polling place in the Local Government Area, are to be lodged together with **Form 53 (Lodgement of a How-to-Vote Card)** with the RO.

If authorised for a candidate **not** endorsed by a registered political party (e.g. an independent candidate):

- 12 cards, plus one for each polling place in the Local Government Area, are to be lodged together with **Form 53 (Lodgement of a How-to-Vote Card)** with the RO.

#### COUNCILLOR HTV CARDS

If authorised for a registered political party or a candidate authorised by a registered political party:

- For each type of card, 12 cards, plus one for each polling place in the Local Government Area in which the particular card is to be distributed, are to be lodged together with **Form 53 (Lodgement of a How-to-Vote Card)** with the RO.

# Electoral Advertising & Offences

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If authorised for a candidate not endorsed by a registered political party (e.g. an independent candidate):

- 12 cards, plus one for each polling place in the Local Government Area in which the card is to be distributed, are to be lodged together with **Form 53 (Lodgement of a How-to-Vote Card)** with the RO.

## GROUP HTV CARDS

If authorised for a group of candidates not endorsed by a Registered Political Party:

- 12 cards, plus one for each polling place in the Local Government Area, are to be lodged together with **Form 53 (Lodgement of a How-to-Vote Card)** with the RO.

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## PARTY WORKERS & SCRUTINEERS

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



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

### Section 59 Scrutineers

- (1) Each candidate for an election may, by notice given to the returning officer for the election in the approved form, appoint 1 or more adults as scrutineers for the candidate.
- (2) Scrutineers are entitled to be present in each polling booth at times when electors are allowed to vote at the booth.
- (3) Scrutineers are also entitled to be present-
  - (a) beforehand at each polling booth to-
    - (i) inspect ballot boxes; and
    - (ii) observe the examination of declaration envelopes received before 6pm the day before the polling day for the election; and
  - (b) afterwards at each polling booth and other places to observe the examination of declaration envelopes and the counting of votes.
- (4) For subsections (2) and (3), the number of scrutineers each candidate is entitled to have at a polling booth or other place is 1 scrutineer for each issuing officer present at the booth or place.
- (5) A scrutineer may-
  - (a) object to an issuing officer's decision on a person's entitlement to vote at the election; and
  - (b) object to the acceptance or rejection of a ballot paper by the returning officer or a presiding officer; and
  - (c) record the identification details given to an issuing officer at a polling booth by a person who votes at the election at the polling booth; and
  - (d) remove from the polling booth the scrutineer's record of identification details mentioned in paragraph (c); and
  - (e) do anything else permitted by this Act.

# Candidates, Party Workers & Scrutineers

Note-

A scrutineer may record the name and address, as given to an issuing officer, of a person voting at an election but may not record details of how the person voted at the election. See section 192(3).

(6) A scrutineer must carry adequate identification to show that the person is a scrutineer.

## 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 in the polling booth on Election Day any badges or emblem of a candidate or political party.



At all other times party workers must remain at least six (6) metres from the entrance of the polling booth.

## PHOTOGRAPHERS AND MEDIA

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

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.

## ELECTORAL FUNDING & FINANCIAL DISCLOSURE REQUIREMENTS

All candidates and groups are required to comply with the Electoral funding and financial disclosure requirements set out in Part 6 of the *Local Government Electoral Act 2011*.

Handbooks setting out the detailed requirements of the Act for Candidates and third parties are available from ECQ. Copies are also available on ECQ's website at [www.ecq.qld.gov.au](http://www.ecq.qld.gov.au).

Amendments made to Queensland electoral laws in October 2018 prohibit political donations from property developers and industry bodies representing property developers, with retrospective effect from 12 October 2017. The laws specifically include candidates, and groups of candidates, in local government elections, among others. More information on the Prohibited Donors Scheme (PDS) is available on the ECQ website.

## VOTING - CERTIFIED LIST

Before polling begins, each Ordinary Vote Polling Official is supplied with a copy of the certified list (list may be in electronic format) of electors for the Local Government Area for which they are appointed.

Only electors whose names are on the Certified List are entitled to an ordinary vote at a local government election. Other electors who believe they are entitled to vote at the election cast a declaration vote.

## BALLOT PAPERS

An elector is issued with a Mayoral ballot paper and a Councillor ballot paper for their Local Government Area after their name has been marked on the Certified List.

Any elector who spoils a ballot paper before it is placed in the ballot box or a conveyance envelope may, on returning the spoilt ballot paper to the Polling Official receive a new one.

## METHODS OF RECORDING A VOTE - ATTENDANCE ELECTIONS

Scrutineers will observe electors using various methods to cast a vote. Consequently, they should be aware of the different categories and methods of voting, as their rights and duties differ slightly in the observation of each:

- Ordinary Voting at a polling booth;
- Declared Institution Voting
- Electoral Visit Voting;
- Declaration Voting:
  - Unenrolled Voting
  - Postal Voting
- Pre-Poll (In Person) Voting

### Ordinary Voting at a Polling Booth

An ordinary vote is a vote recorded by an elector on polling day at a polling booth appointed for the Local Government Area for which they are enrolled. The Polling Official will ask the elector their full name and address, look up the certified list and mark-off the elector (this may include electronic mark off). The Polling Official will hand ballot papers for Mayor and Councillor to the elector and ask them to go to a vacant voting compartment and read and follow the instructions on top of the ballot papers.

**Proof of Identity is NOT required to cast an ordinary vote.** This legislative requirement has been removed.

# Voting

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The elector must then retire alone to a voting compartment and, in private:

- Mark their votes on the ballot papers;
- Fold them so that the vote is concealed; and
- Place them in the correct ballot box (Mayor and Councillor) 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. The Polling Official 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.

Advise your scrutineers of the date, time and place at which voting will commence.

Advise scrutineers to be sensitive to the particular needs of these electors and perform their scrutineering duties in as low-key a manner as possible. They should not contact the electors in any manner which could be construed as canvassing for their vote.

Scrutineers should undertake their 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 and is therefore 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. The Polling Official 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.

Advise your scrutineers of the date, time and place of departure of Polling Officials.

They should:

- Observe proceedings in a low-key manner having regard for the particular needs of this type of voter and the secrecy of the vote.
- Refrain from assisting the Polling Official 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 to observe the taking of their vote.

## Declaration Voting

An elector who is unable to vote as an Ordinary Voter on Election Day may vote as a Declaration Voter. Declaration votes include unenrolled votes and postal votes.

To make a Declaration Vote, an elector must complete and sign a Declaration claiming they are entitled to vote at the election. This is not the case when a Local Government Area is a full postal ballot.



## Unenrolled Voting

An elector who claims a vote but whose name cannot be found on the certified list of electors may, upon making a declaration, vote on Election Day at any polling booth in the Local Government Area or Ward in which he or she claims to be enrolled.

The following procedures apply to unenrolled voting:

- After the Polling Official 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.);
  - 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.
- The elector signs the declaration in the presence of the Polling Official who signs as witness to the signature;
- On receipt of the Mayoral and Councillor ballot paper for the Local Government Area for which the elector claims to be enrolled, the elector marks their vote; and
- The unenrolled elector returns to the Polling Official with the folded ballot papers. The ballot papers are placed in the signed and witnessed Declaration Envelope, sealed and placed in the ballot box.
- These 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 at 7pm on Wednesday before Polling Day.

# Voting

On receipt of the postal vote material the elector must:

- Fill out and sign the postal vote declaration envelope in the presence of an authorised witness (Before 6pm on polling day);
- Have the authorised witness sign the postal vote declaration envelope;
- Cast a vote in the presence of the authorised witness, but so that the authorised witness cannot see the vote; and
- Immediately enclose the ballot papers in the declaration envelope, and post, send or deliver the sealed envelope to the RO, so that they receive it by 6pm on the 10th day after polling day.

Electors who are registered special postal voters will automatically receive postal ballot material as soon as they become available after the close of Nominations.

## Pre-Poll (In Person) Voting

An elector may cast a pre-poll (in person) vote at any advertised pre-poll voting centre in their Local Government Area.

Pre-Poll (In Person) Voting may commence 2 weeks before Polling Day and ceases at 6pm on the Friday before polling day – this is subject to variation and dependant on local government area requirements. Individual operating times will be available on ECQ’s website.

The Polling Official will supply the elector with ballot papers for Mayor and Councillor for their Local Government Area.

The elector then casts a vote in privacy and folds the ballot papers and places them in the correct Ballot Box (Mayor and Councillor).

In divided Local Government Areas, the elector may be required to place their ballot papers into a Conveyance Envelope before placing them in the designated ballot box.



Counting of votes will not commence at any place until 6pm on polling day.

## FULL POSTAL BALLOTS

Local Governments can apply to the relevant Minister to conduct their election by postal ballot. If approved, all electors are automatically sent postal ballot material to their enrolled postal address.

If an elector’s postal ballot material is lost in transit or is accidentally defaced or destroyed, they MUST apply for replacement ballot material by completing a declaration form.



**NO** polling booths are established in full postal ballot areas.

## Counting of Votes

At each polling booth and the RO's Office counting of votes may begin after the poll closes on Election Day.

There are two systems of voting at Local Government Elections depending on the divisional arrangements of your Council.

## Voting Systems

### First-Past-the-Post

Conducted in all Local Government Areas which are not divided into single member divisions. This voting system covers only undivided Local Government Areas and Local Government Areas which have a division or divisions with two or more councillors representing the divisions.

**For election of a Councillor**, under this system, the elector casts a valid vote by:

- **If one candidate is to be elected** – electors place a '1' or a '✓' or an 'X' in the square opposite the name of the candidate the elector prefers.
- **If two or more candidates to be elected** – placing a '1' or a '✓' or an 'X' opposite the name of one of the preferred candidates and then placing a '2' or '2', '3' and so on in numerical order in the squares opposite the names of the other preferred candidates, up to the number of candidates to be elected. For example, if there are eight councillors required with 12 candidates, the elector would mark the ballot paper to indicate which eight candidates they wished to vote for.

First-Past-the-Post is a system of voting whereby the candidate with the highest number of formal votes is elected.

### Optional Preferential Voting

Required for election of Mayor and where the Local Government Areas are divided into single member divisions (i.e. one councillor represents each division).

Under this system the elector has a choice about how they mark the ballot paper:

- They can place a '1' or a '✓' or an 'X' in the square opposite the candidate they prefer to indicate their choice, or
- The elector may vote giving preferences by marking a ballot paper with a '1' or a '✓' or an 'X' in the square opposite the name of the preferred candidate to record the electors first preference. The elector then marks the required number of preference (i.e. '2', '3', '4' and so on in numerical order in the other squares) to record the order of preference for one or more other candidates. The elector need not give a preference to all candidates.

# Formality & Scrutiny of Votes

Optional Preferential is a system of voting whereby a candidate is elected with an absolute majority of formal votes remaining in the count.

At each polling booth and the RO's Office counting of votes may begin after the poll closes on Election Day.

## INFORMALITY OF VOTES

### In an Optional Preferential Voting Event.

These will be regarded as informal:

- Any ballot paper with no marking on it;
- Any ballot paper not having either the number '1', '✓' or 'X' against the name of one candidate;
- Any ballot paper with a distinguishing mark or writing;
- Any ballot paper that has a combination of two or more of the number '1', '✓' or 'X'; and
- Any ballot paper which has been placed in a **Discarded Ballot Paper Envelope (Form 20)**

### In A First-Past-the-Post Voting Event.

These would be regarded as informal:

- Any ballot paper with no marking on it;
- Any ballot paper not having selected up to the required number of candidates;
- Any ballot paper with a distinguishing mark or writing;
- Any ballot paper that has used the number '1', '✓' or 'X' that selects more candidates than the required number to be elected; and
- Any ballot paper which has been placed in a **Discarded Ballot Paper Envelope (Form 20)**.

## DECLARATION VOTES SCRUTINY

Scrutiny of Declaration Votes is carried out by the RO. The scrutiny is conducted in two stages.

Preliminary scrutiny of declaration votes to determine whether claimant is entitled to vote and the count.

If it is found that the claimant was, or should have been, enrolled for the Local Government Area as claimed the ballot paper is removed from the declaration envelope and counted.





