

# Guide for Scrutineers

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## HANDBOOK

LOCAL GOVERNMENT ELECTIONS  
& BY-ELECTIONS





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## Introduction

This Guide is compiled to assist scrutineers 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*.

The Electoral Commission of Queensland (ECQ) is responsible for the conduct of Local Government Elections and By-Elections.

ECQ has its Head Office in Brisbane. Returning Officers (RO's) are employed to conduct the election in each Local Government Area including Brisbane City.

The RO arranges the appointment of polling booths and polling booth staff for their Local Government Area.

The Polling Booth Presiding Officer (PO) is responsible for the conduct of the election in a booth on Polling Day and is the person with whom scrutineers will communicate. Other staff employed in polling booths are Polling Officials whose task is to issue ballot papers to voters.

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 PO or RO.

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

Where possible, information will be provided to help answer candidates' questions. However, this service does not include the provision of legal advice. Candidates and scrutineers must satisfy themselves as to their legal position and seek their own private legal advice, where they consider this is necessary.

## Number Allowed

Each Mayoral candidate and each Councillor candidate for a Local Government Area or Division/Ward may appoint adult persons as scrutineers:

- Before and during polling, and counting of votes, one scrutineer for each Polling Official 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 RO's Office.

# General Information

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## Appointment

You must be appointed by your candidate on **Form 11 (Scrutineer's Appointment and Declaration)**.

Before you commence duty, sign the top portion of **Form 11** in the space provided and complete the declaration section in the presence of the RO or the PO, if at a polling booth.

Receive from the RO or the PO a **Scrutineer Badge and bib** and wear them at all times while carrying out your scrutineering duties.

Once appointed you must carry identification and evidence of appointment as a Scrutineer and on demand produce evidence to a Polling Official.

## Role

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

## Times When Scrutineers are Entitled to be Present

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

- On Polling Day and beforehand at polling places at times when electors are allowed to vote.
- Before polling commences at a polling place for the purpose of inspecting ballot boxes.
- On Polling Day, beforehand and afterwards at polling booths or elsewhere to observe the examination of Declaration Envelopes and the counting of votes.
- After Polling Day, at any place where further counting, a check count or a recount of votes is taking place.



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

## 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 PO or a Polling Official assisting a voter who needs help.

## Functions (continued)

Assist a voter (only if requested by the voter) who needs help by doing any or all of the following functions:

- Explain or read the ballot papers to the voter.
- Mark the ballot papers in accordance with the voter's instructions.
- Ask if the voter wishes to have another person inspect the marked ballot papers.
- When the voter is satisfied, fold the ballot papers and place them in the appropriate ballot box or, if relevant, firstly in a Conveyance or Declaration Envelope and deposit the ballot paper or envelope in the ballot box.

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 (other than the Certified List) when requested by the PO.

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) into a polling booth or within six (6) metres of its entrance.

Canvass for votes within six (6) metres of the entrance to a building which is a polling place.

Touch or help carry any electoral material or ballot box while attending places of Electoral Visits or Declared Institutions.

## Party / Candidate Workers

Party / Candidate 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 any badge or emblem of a candidate or political party.

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

# General Information

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## 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 PO.

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

## Voting

### Certified Lists

Before polling begins, each Ordinary Vote Polling Official is supplied with a copy of the Certified List for the Local Government Area / Ward / Division for which they are appointed. The Certified List (this may be in electronic format) is used in issuing ordinary votes to electors enrolled for that Local Government Area.

Apart from declaration voters (see later in this Guide), only those persons whose names are on the Certified List are entitled to vote at a Local Government Election.

### Ballot Papers

An elector is issued with a Mayoral ballot paper and a Councillor ballot paper for their Local Government Area / Ward / Division after their name has been marked on 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 Polling Official, receive a replacement.

## METHODS OF RECORDING A VOTE

Scrutineers will observe electors using various methods to record 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 on the list (this may include electronic mark off). The Polling Official will hand ballot papers (Mayor and Councillor) to the elector and ask them to go to a vacant voting screen and read 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.

The elector must then go to a voting screen and:

- Mark their votes on the ballot papers in accordance with the instructions;
- Fold them so that the votes are 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.

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 voters and perform your scrutineering 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.

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

# Voting Types

## Electoral Visits

Scrutineers may be present during the conduct of Electoral Visit Voting. Any elector who has satisfied the RO, that through illness, disability or advanced pregnancy or being a carer of such a person, they are unable to attend 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 Card (HTV) 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 voter 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.

## Declaration Voting

An elector who is unable to vote as an Ordinary Voter 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.

Voters can only vote within their enrolled Local Government Council Area.



There is NO absent voting in Local Government elections.

## Postal Voting

Any elector may apply for a postal vote. Applications close 7pm Wednesday prior to Polling Day. Electors who are registered special postal voters will automatically receive a postal vote envelope and ballot papers as soon as they become available after the close of Nominations. Postal ballot material must be completed by 6pm on Polling Day and the completed material received by the RO by close of business on the 10th day after polling day.

## 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 at any polling booth in the Local Government Area in which they claim to be enrolled. They are also encouraged to complete a new enrolment form.

The following procedures apply to unenrolled voting:

- After the Polling Official has established the voter's name is not on the roll, the voter completes a Declaration Envelope stating their particulars (name, address, date of birth);
  - Electors can update their enrolment details after the close of rolls date but before 6pm on the day before Polling Day and claim a declaration vote for their updated enrolled address.
- The voter then signs the Declaration Envelope in the presence of the Polling Official who must sign as witness to the signature;
- On receipt of the correct Councillor ballot paper for the Local Government Area for which the elector claims to be enrolled and a Mayoral ballot paper, the elector marks their vote in the ordinary manner; and
- The unenrolled voter returns to the Polling Official with the folded ballot papers who then assists them to place the ballot papers in the signed and witnessed Declaration Envelope, seal it and place it in the ballot box for later despatch to the RO.

These votes will be counted only if ECQ can establish that the voter is eligible to vote in the electoral event.

## Full Postal Ballot

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.



NO polling booths are established in full postal ballot areas.

# Voting Types

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## Pre-Poll (In Person) Voting

Electors are entitled to a Pre-Poll vote at any Pre-Poll centre within their enrolled Local Government Area.

Any elector may cast a pre-poll vote in an election, other than a postal ballot election.

The following procedures apply to pre-poll (in person) voting. The elector must attend in person during advertised opening hours at any appointed pre-poll voting centre or office of an RO for that Local Government Area.

On receipt of the voting material which comprises ballot papers for Councillor and Mayor:

- The elector casts a vote in privacy and folds the ballot papers and places them in the designated ballot boxes (Undivided Council areas only); and
- In divided Local Government Areas, the elector will be required to place their ballot papers into a Conveyance Envelope before placing them in the designated ballot box.

General Information

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## SCRUTINEERS AT THE SCRUTINY

### As an appointed Scrutineer

You are entitled to observe all proceedings at any scrutiny whether conducted at a polling booth or at the RO's office.

You may challenge the formality of ballot papers at a polling booth. The Polling Official will refer them to the Polling Booth PO for an interim decision.

At an RO's office, you may challenge the admittance or rejection of voters' declarations and the formality of ballot papers.

The scrutiny must proceed smoothly and efficiently and you should not unnecessarily communicate with anyone at the scrutiny.

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

You are entitled to observe all the markings on ballot papers but you must not delay scrutiny proceedings, except where it is necessary in the performance of your duties

The RO must inform scrutineers of any adjournment of the scrutiny and advise the location and time the scrutiny will be continued.



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

### Counting of Votes

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

### Declaration Votes

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.

RO's must allow scrutineers to observe the preliminary scrutiny of postal votes and the count.

# Scrutiny

## Voting Systems

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

### 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 Governments and Local Governments which have a division or divisions with two or more councillors representing the divisions.

**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 are 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 wins.

### Optional Preferential Voting

Required for all Mayoral elections 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.

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

## 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 which identifies the elector.
- Any ballot paper that has a combination of two or more of the number '1', '✓' or 'X'.
- Any ballot paper which has been placed in a **Discarded Ballot Paper Envelope**.

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 marked to show preferences for the required number of candidates.
- Any ballot paper with a distinguishing mark or writing which identifies the elector.
- Any ballot paper that has used the number '1', '✓' or 'X' that selects more candidates than the required number to be elected.
- Any ballot paper which has been placed in a **Discarded Ballot Paper Envelope**.

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