

Direction about Candidates and Scrutineers at Particular Places

Version 1.0

Approval



Pat Vidgen

Electoral Commissioner

26 / 03 / 2020

Purpose

The Electoral Commissioner is empowered under section 7 of the *Local Government Electoral (2020 Quadrennial Election) Regulation 2020* (the LGEA Regulation) and section 8 of the *Electoral (By-elections Before Next General Election) Regulation 2020* (the EA Regulation) to give a Direction about candidates or scrutineers at particular places for the 2020 quadrennial local government elections and the Bundamba and Currumbin State by-elections.

Rationale

A Direction may be made if the Electoral Commissioner is satisfied that a Direction is necessary to facilitate the holding of the 2020 Quadrennial Election, and Currumbin and Bundamba by-elections, in a way that minimises serious risks to the health and safety of persons caused by the public health emergency involving COVID-19.

In making this Direction, the Electoral Commissioner is guided by the public health direction *Local Government election and State by-elections – Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency* made by the Chief Health Officer under Section 362B of the *Public Health Act 2005* (Qld) on 22 March 2020.

Direction

The Electoral Commissioner hereby directs:

1. Despite section 59 of the *Local Government Electoral Act 2011* (LGEA) or section 104 of the *Electoral Act 1992* (EA), or another provision of those Acts that allows a scrutineer to be present at a polling booth or other place:
 - scrutineers are not permitted to be at a polling place during times when electors may vote;
 - scrutineers are permitted to be in a polling booth before it opens to observe the sealing of the ballot box;
 - scrutineers are permitted to be in a polling booth after all electors have voted at the end of polling day, to observe the opening and emptying of the ballot boxes, but must leave once those tasks have been completed;
 - scrutineers are not permitted to be in a polling booth during the preliminary count on election night;
 - any scrutineers located outside the polling booth upon the completion of the preliminary count on election night (whenever that may be) will be invited into the polling booth to observe the sealing of ballot material before it is transported to the Returning Officer.
2. Scrutineers are permitted to scrutinise the official counting of votes, as described in sections 95 and 96 of the LGEA and sections 129 and 129 of the EA, which will occur as soon as practicable after polling day and at the discretion of the returning officer.
3. Candidates are only permitted 1 scrutineer per polling place (on election night), or per count location (for the official count).
4. In the event a candidate appoints themselves as a scrutineer, that candidate is not permitted to appoint another person for a location that the candidate is in attendance.

Note: At any such official counting of votes, all scrutineers will be subject to any direction given by a returning officer, a presiding officer of a polling booth, an ECQ staff member in charge of a polling booth, or another ECQ staff member who has been given a direction under s96A of the EA, as per section of the LGEA Regulation and section 9 of the EA Regulation.

5. Candidates and scrutineers must not interfere or obstruct ECQ staff enacting this direction;

ECQ staff will be actively monitoring compliance with this Direction. The Electoral Commissioner has the power to issue further directions, in the event ECQ staff observe non-compliance.

Failure to comply with this Direction carries a maximum penalty of 20 penalty units, currently valued at \$2,669.

Effective

This Direction takes effect from 12.01am on 28 March 2020, unless otherwise revised.