

Guide for Scrutineers

HANDBOOK

FOR STATE GOVERNMENT ELECTIONS & BY-ELECTIONS



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Introduction

This guide is compiled to assist scrutineers at Queensland state elections and by-elections.

It is not intended as a substitute for reading the law. Where possible, information will be provided to help answer candidates' questions. However, this does not include the provision of legal advice.

Candidates and scrutineers must satisfy themselves as to their legal position and seek their own legal advice, where they consider this is necessary

The provisions relating to scrutineers can be found at Section 104 of the *Electoral Act 1992*.

Scrutineers are appointed by candidates as their representatives to observe voting proceedings. In this respect they are distinct from party/candidate workers who generally hand out how-to-vote cards outside the polling booth and who are permitted only inside the booth to cast their own vote or to assist an elector who requests their help.

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

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

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

Introduction

Scrutineers

Role

ECQ welcomes scrutineers during the election process. Their presence helps ensure that the election is free and fair. The “Guide for Scrutineers” is available on ECQ’s website: www.ecq.qld.gov.au and a number of copies will be included in the candidate's pack.

Number Allowed

Each candidate for an electoral district may appoint adults as scrutineers:

- during polling and beforehand, one scrutineer for each Issuing Officer at each polling place
- at the examination of declaration envelopes and the counting of votes, one scrutineer for each member of ECQ’s staff at the polling place, Returning Officer’s office or any ECQ premises.

Appointment

Candidates must appoint each scrutineer on a **Form 11 (Scrutineer’s Appointment and Declaration)**. These forms will form part of the candidate's pack issued following the close of nominations.

Before scrutineers commence duty, they sign the top portion of **Form 11** in the space provided and complete the declaration section in the presence of the Supervisor of a polling booth or the Returning Officer. Scrutineers should keep the top portion with them at all times; the Supervisor or Returning Officer will retain the bottom portion.

They will receive a scrutineer badge and scrutineer bib, and must wear these at all times while carrying out their scrutineering duties. The Returning Officer will advise your candidate of the times and locations of election activities where scrutineers may be present.

Times when Scrutineers are Entitled to be Present

Scrutineers 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.

Functions of a Scrutineer

Scrutineers **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 this record out of the polling place
- where requested by the elector, assist by doing any or all of the following functions:
 - + explain or read the ballot paper to the elector
 - + mark the ballot paper in accordance with the elector's instructions
 - + ask if the elector wishes to have another person inspect the marked ballot paper
 - + when the elector is satisfied, fold the ballot paper and place it in the appropriate ballot box or, if relevant, firstly in a security or declaration envelope and deposit the envelope in the ballot box
- observe the Supervisor or an Issuing Officer assisting an elector who needs help
- challenge the formality of a ballot paper at a count or recount or object to the count of a vote for a particular candidate. A challenge must be made in accordance with Section 123 of the *Electoral Act 1992* and you should familiarise yourself with these provisions
- countersign endorsements on any parcels of ballot papers or the statement of first preference votes.

Scrutineers **MAY NOT**:

- touch ballot papers or declaration vote envelopes
- communicate with any person in a polling booth except in the performance of their specific duties as a scrutineer
- wear or display a political party or candidate emblem or badge, or other material or statement of a political nature (such as a political slogan) in a polling booth or within six metres of its entrance
- canvass for votes within six metres of the entrance to a building with voting compartments
- touch or help carry any electoral material or ballot box while attending places of electoral visits, declared institutions or mobile polling booths.

Introduction

Party Workers

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



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

Photographers and Media

Anyone arranging for photographers and/or media to visit polling booths should contact ECQ in time for arrangements to be made with the relevant Booth Supervisor. The media and/or photographers must observe certain requirements as stipulated by the Returning Officer or Supervisor.

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

Only authorised persons may enter a polling booth.

Voting

Certified Lists

Before polling begins, each Issuing Officer is supplied with an electronic certified list of electors for the district for which they are appointed. The certified list is used to confirm the identity of the voter, mark them off the roll, and provide them with the appropriate ballot paper.

Apart from declaration electors (see later in this guide), only people whose names on the certified list are entitled to cast an ordinary vote at a State election or referendum.

ECQ Voter Information Letter

ECQ will send a voter information letter to everyone eligible to vote in this election outlining their enrolment details and the options available for casting a vote.

Electors who don't receive or don't retain their voter information letters will not be prevented from voting.

Ballot Papers

An elector is issued with a ballot paper for their district after their name has been marked off the certified list or they have filled out a declaration envelope.

Any elector who spoils a ballot paper before it is placed in the ballot box or the relevant declaration envelope may return the spoiled ballot paper to the Issuing Officer and receive a new one.

Voting

Voting Options

Scrutineers will observe electors voting in various ways and polling officials using various methods to record votes. Consequently, they should be aware of the different methods electors will be voting and the categories votes that will be issued, as their rights and duties differ slightly in the observation of each:

- pre-poll voting
- postal voting
- polling day voting
- declared institutions voting
- electoral visit voting
- remote area voting (district of Cook only).

Methods of Recording a Vote

- ordinary voting
- declaration voting:
 - + absent voting
 - + not-on-roll voting
 - + postal voting
 - + already-marked-as-voted.

Pre-Poll (In-Person) Voting

Pre-poll (in-person) voting begins three clear days after nominations close and ends at 6pm on the Friday before polling day (*Visit ECQ's website for the appointed hours of pre-poll centres*).

If the elector is voting in the district for which they are enrolled, they are marked off the roll and given a ballot paper for their district. The elector then completes the ballot paper and places the folded ballot paper in the pre-poll ballot box.

If the elector is voting outside their district, they are given a declaration vote.

Postal Voting

Any Queensland elector may apply for a postal vote.

Applications open at the announcement of the election and close 7pm on the Wednesday before polling day. An application on the approved form must be received by ECQ or a Returning Officer.

On receipt of the postal vote material: a postal vote declaration envelope, a ballot paper and a reply paid envelope, the elector must:

- fill out and sign the postal vote envelope in the presence of an authorised witness before 6pm on polling day (anyone over 18 can be a witness)
- have the authorised witness sign the postal vote envelope
- cast a vote in the presence of the authorised witness, whilst ensuring the secrecy of their voting preferences
- immediately enclose the ballot paper in the declaration envelope, insert it into and then seal the reply paid envelope. Post, send or deliver it, so that it is received by 6pm on the 10th day after polling day.

Depending on their category, electors who are registered special postal voters will automatically receive a letter explaining voting options and/or postal voting material.

Voting

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 and residents in these institutions prior to polling day. The polling official will display a how-to-vote card board of participating candidates for each elector to view if they wish.

ECQ will gazette various institutions, such as nursing homes, hostels and aged persons' homes as declared institutions for voting purposes for the election.

Your candidate will notify you of the date, time and place at which voting will commence. Voting will occur at times during the period 11 days before polling day as determined by the Returning Officer in consultation with each institution administrator.

Scrutineers must be sensitive to the particular needs of these electors and perform their scrutineering duties in as low-key a manner as possible. During voting periods they should not contact the electors in any way which could be construed as canvassing for their vote.

Scrutineers should observe proceedings only, always preserving the secrecy of the vote. How-to-vote cards must be distributed before voting begins.

Distribution of how-to-vote cards (other than outside six metres from the entrance to the building where voting is taking place) must cease before voting starts.

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 is entitled to an electoral visit vote. Polling officials will take ballot boxes and necessary voting equipment to eligible electors. They will carry with them a how-to-vote card board of participating candidates.

Your candidate will notify you of the date, time and place of departure of the Election Assistants. Scrutineers must use their own transport but Election Assistants are instructed to allow scrutineers all reasonable opportunity to follow them on their rounds.

An elector may request that scrutineers do not enter their residence, which must be respected by the scrutineer.

Scrutineers should:

- observe proceedings in a low-key manner having regard for the particular needs of this type of elector and the secrecy of the vote *(For the benefit of this category of elector, the Issuing officer will produce the how-to-vote card board of participating candidates, presented in the order that candidates' names appear on the ballot paper.)*
- refrain from assisting the Election Assistant in any way
- assist the elector when directly requested to do so by the elector
- refrain from any action which might be construed as canvassing for the elector's vote.

Remote Area Voting (District of COOK Only)

(Scrutineers intending to observe this form of voting must organise their own transport.)

Electors in some Aboriginal settlements on Cape York Peninsula and Torres Strait Islands are visited prior to polling day to have their vote taken. Ordinary and declaration voting is available to them.

Ordinary Voting at a Polling Booth (including at a Pre-Poll Centre)

An ordinary vote is a vote recorded by an elector at a polling booth appointed for the district for which they are enrolled. The Issuing Officer will ask the elector for their full name and address. The officer will look up their name and address on the electoral roll and mark off the elector on the list. The Issuing Officer will give a ballot paper to the elector and ask them to go to a vacant voting compartment and read the instructions on top of the ballot paper.

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

- mark their vote on the ballot paper
- fold it so that the vote is concealed
- place it in the ballot box and leave the polling booth.

NOTE: If an elector is already marked as voted, they can complete a declaration vote which will be scrutinised by the Returning Officer after polling day and, if accepted, added to the count.

Voting

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 absent votes, not-on-roll votes and postal votes.

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

Once the person's eligibility to be enrolled for the district is determined, the vote can be admitted to the count.

Absent Voting

An elector who is away from the district for which they are enrolled may vote on polling day as an absent elector after making a declaration.

The following procedures apply to absent voting.

- The absent elector must provide enough information to enable identification of the district where they're enrolled, by filling out their particulars (name, address, date of birth, etc) on a declaration envelope. (If the elector has not produced the ECQ voter information letter, the Issuing Officer uses an electronic look up device loaded with the whole of Queensland roll to establish the elector's correct enrolled district).
- The elector signs a declaration on the envelope in the presence of the Issuing Officer who must sign as witness to the signature.
- The elector is given the correct ballot paper for the district where they are enrolled, and they mark their vote in the normal manner.
- Then they return the ballot paper to the Issuing Officer who then helps them place it in the signed and witnessed declaration envelope, seal it and put it in the ballot box for later dispatch to the Returning Officer. The Returning Officer sends it to the relevant district for verification and inclusion in the count, if eligible.

Not-on-Roll Voting

An elector who attends a pre-poll centre and claims a vote but whose name cannot be found on the Queensland roll of electors may complete an enrolment form and make a declaration vote for the district where they claim to live.

The following procedures apply to not-on-roll voting prior to polling day.

- After the Declaration Issuing Officer has established the elector's name is not on the roll for the district they live in, the elector completes an enrolment form and a declaration envelope stating their particulars (name, address, date of birth, etc).



The elector **MUST** complete a new enrolment form in this instance before they are issued a ballot paper for the district they reside in.

- The elector then signs a declaration on the envelope in the presence of the Issuing Officer who must sign as witness to the signature.
- When the elector is given the correct ballot paper for the district where they claim to be enrolled, they mark their vote in the ordinary manner.
- Then they return with the ballot paper to the Issuing Officer who then helps them place the ballot paper in the signed and witnessed declaration envelope, seal it and put it in the ballot box for later dispatch to the Returning Officer.

Formality & Scrutiny of Votes

Formality & Scrutiny of Votes

Preferential Voting

A system of full preferential voting applies for all Queensland State elections. Preferential voting means numbering all candidates on the ballot paper in the order of your preference.

Informality of Votes

These will be regarded as informal:

- any ballot paper with no marking on it
- any ballot paper that contains the number 1 more than once
- any ballot paper that does not have consecutive numbers starting from 1
- any ballot paper with a distinguishing mark or writing (if such marks may identify the elector)
- any ballot paper where the intent of the elector's preference is not clear
- any ballot paper which has been placed in a discarded ballot paper envelope. *(These envelopes remain sealed)*

Formality & Scrutiny of Votes

Scrutiny of Votes

Scrutineers at the Scrutiny (Count)

Scrutineers are entitled to observe all proceedings at any scrutiny whether conducted at a polling booth, at the Returning Officer's office or at any other designated location.

Scrutineers may challenge the formality of ballot papers at a polling booth. The Issuing Officer will refer them to the polling booth Supervisor for an interim decision and the RO will give a final determination at the check count.

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

The scrutiny must proceed smoothly and efficiently and scrutineers should not unnecessarily communicate with anyone at the scrutiny. **Scrutineers must not handle ballot papers, declaration envelopes or any other election material.**

Scrutineers are entitled to observe all the markings on ballot papers but they must not delay scrutiny proceedings, except where it is necessary in the performance of their duties.

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

Ordinary Votes

At each polling booth the counting of votes begins after the poll closes on election day:

- district ballot papers are sorted into candidates according to the first preference votes marked
- the ballot papers are then counted and the result for the polling booth is telephoned to the Returning Officer.

The notional two candidate preferred count commences after the count of first preference votes for the district (*this count is described later in this guide*).

When the first preference count and the notional two candidate preferred count of ordinary votes are completed, the ballot papers are placed in sealed parcels and delivered to the Returning Officer.

Formality & Scrutiny of Votes

Declaration Votes

The scrutiny of declaration votes is carried out by the RO and ECQ staff after polling day. The scrutiny is conducted in two stages:

1. preliminary scrutiny declarations to determine whether the claimant is entitled to vote
2. the count.

Preliminary Scrutiny of Postal Votes

Scrutineers are entitled to be present during the scrutiny of postal votes and ECQ will advise your candidate of when this will take place.

Postal ballot papers are to be admitted to the count if ECQ electoral staff are satisfied that the details on the postal vote envelope meet all requirements.

Preliminary Scrutiny of Absent Votes

The preliminary scrutiny of absent votes involves checking the declarations are signed, the signatures are witnessed, and verifying the elector's enrolment for the district claimed.

Notional Count

What is a Notional Two Candidate Preferred Count?

It is a notional allocation of preferences to two candidates selected by the Electoral Commissioner. It is an information activity that gives an indication of the likely successful candidate but does **NOT** negate the later conduct of a full preference count to produce a winning candidate (if the seat isn't won on first preferences) or for statistical purposes. The count will be done in all districts with more than two candidates.

The names of the two selected candidates will be in a sealed **Notional Two Candidate Preferred Count Envelope** which will be opened after 6pm on polling day.

As soon as possible, after the results of the first preference count have been transmitted to the Returning Officer, the Supervisor will carry out the notional two candidate preferred count. The primary votes of all the non-selected candidates are examined to see which of the selected candidates that elector preferred. Those votes are then attributed to one of the selected candidates to determine the notional flow of preferences.

NOTE: Even if the two selected candidates have not polled first and second at every booth, the count is still done to those two selected candidates. They may be polling better at other booths.

If the two selected candidates eventually prove to be not the highest polling candidates for the whole district, a fresh notional count may be carried out after polling day.

Scrutineers will have reasonable access to observe the procedure.

Declaration of the Poll

A declaration of the successful candidate will be made when, and only when, the result of the election is clear. This decision is made by the Electoral Commissioner.

Candidates will be informed by their Returning Officer when a declaration is imminent.

Glossary

Glossary of Terms

A

Absent Vote

A vote recorded by an elector who attend a polling booth outside the district where they're enrolled.

B

Ballot Box

The sealed container into which an elector places a completed ballot paper.

Ballot Paper

The paper on which a vote is marked. The ballot paper shows the candidates' names, party affiliations or, in the case of a referendum, a question(s) related to a new proposal.

By-Election

An election conducted for an electoral district vacated by a Member of the Legislative Assembly during the life of the Parliament, usually as a consequence of death or resignation.

C

Candidate

A person who nominates for election.

Canvassing

The process of attempting to persuade electors to vote in a particular way.

Central Postal Voting (CPV)

This is an office within ECQ which receives and processes applications for postal votes.

Certified List

An electronic list of names and addresses of electors entitled to vote in an election or referendum.

D

Declaration Vote

The completion of a declaration is required by electors at a polling booth in the following circumstances:

- name cannot be found on the certified list
- name is on the certified list but voting outside their enrolled district
- name on the certified list is already marked as having voted
- name is on the certified list but not the address (silent elector).

Signing the envelope is a declaration that the elector is entitled to vote.

District

An electorate in the Legislative Assembly of Queensland.

E

Elector

A person who is eligible to vote at the election.

Electoral Act

The Act of Parliament which stipulates statutory requirements for the conduct of an election (i.e. *Electoral Act 1992*).

Electoral Commissioner

The independent officer, appointed by the Governor-in-Council, with the responsibility for the proper conduct of parliamentary and other statutory elections.

F

Formal Vote

A ballot paper which has been correctly marked according to instructions, and which is counted towards the outcome of the poll.

Full Preference Count

The distribution of preferences shown by electors on their ballot papers. This process is completed by a Returning Officer once the final first preference result is clear.

Glossary

H

How-to-Vote Card

An approved card or pamphlet handed out on polling day showing how a party or candidate would prefer the elector to vote.

I

Independent

A candidate or elected Member of Parliament who is not endorsed by a registered political party.

Informal Vote

A ballot paper which is not eligible to be included in the count because it has been filled out incorrectly.

Issuing Officer

A person appointed by the Returning Officer to issue votes.

N

Nomination

The process by which a person becomes a candidate for election.

Notional Two Candidate Preferred Count

An indicative sort and count of votes following the primary vote count of the full or optional preferential system.

O

Ordinary Vote

A vote cast by an elector at a polling place appointed for the electoral district in which they're enrolled.

P

Polling

The process of electors recording their votes.

Polling Booth

A place where electors can vote on polling day. It is supplied with voting screens and ballot boxes and is staffed by polling officials. Places where mobile polling is conducted are also official polling booths. In most cases, mobile polling booths operate in the week leading up to polling day.

Polling Officials

Staff appointed to conduct electoral visits, or to work in polling booths, declared institutions, all districts centres, the central postal voting office and Returning Officers' offices.

Postal Voting

An elector who is unable to attend a polling booth on polling day may apply to receive ballot papers by post. Once the ballot papers are completed, they are returned in a secure envelope to the Returning Officer.

Pre-Poll Vote

A vote cast by an elector before polling day.

Preliminary Scrutiny

All declaration votes are subject to preliminary scrutiny which determines whether the vote can be admitted to the count.

Primary Vote

The primary vote for a candidate is the number of first preferences received on formal ballot papers in a count.

Q

QGAP (Queensland Government Agency Program)

These are Queensland Government agencies located in country towns. They provide facilities for local residents to access government services. At election time some QGAPs are appointed as pre-poll voting centres.

Glossary

R

Registered Political Parties

Those political parties which are officially registered by ECQ.

Remote Area Mobile Polling

Undertaken in the electoral district of Cook in the northern peninsular area and Torres Strait Islands to enable electors in remote areas to vote at a polling booth.

Returning Officer

An electoral officer responsible for the conduct of the election for an electoral district who is appointed by the Governor-in-Council upon the recommendation of the Electoral Commissioner.

Roll

(See Certified List).

S

Scrutineer

A person appointed by a candidate to observe the polling and counting procedures during an election.

Scrutiny

Observation by people appointed to determine the acceptability of votes for the count and the result of the election.

Secret Ballot

A vote made in secret, with no one able to see how the elector marks the ballot paper or to be able to identify who marked it.

Silent Elector

A person whose address details are omitted from the roll for personal safety reasons.

Special Postal Voter

These are electors who are registered to automatically receive postal ballot material because:

- they live more than 20km from a polling booth
- have their address suppressed from the roll for reasons of personal safety
- whose religious beliefs prevent them from attending a polling booth, or have been certified by a Doctor as incapable of signing their name.

V

Vote

The indication of a choice of a parliamentary representative by completion of a ballot paper.

W

Writ

The legal instruction authorising an election to be held and which also sets key elements of the election timetable. Writs are issued by the Governor on advice by the Premier, or in some cases the Speaker of the Legislative Assembly, and given to the Electoral Commissioner.

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Post: GPO Box 1393 BRISBANE QLD 4001
Telephone: 1300 881 665
Email: ecq@ecq.qld.gov.au