

PRESELECTION BALLOTS & CANDIDATE ENDORSEMENTS

This fact sheet relates to registered political parties that conduct preselection ballots for candidates in State and local elections and by-elections. Unless otherwise indicated, all references to legislation are to the *Electoral Act 1992*. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

What is a preselection ballot?

Preselection is the process by which a political party chooses an individual to become a candidate endorsed by the party for a particular election. Depending on the party's constitution, a party may conduct a preselection ballot as part, or all, of the preselection process.

During a preselection ballot, party members vote for their preferred candidate. Only a poll of party members constitutes a preselection ballot even if the poll result is endorsed by, or otherwise subject to, a party committee process.

What are the rules for preselection ballots?

The rules for preselection ballots are set out in Part 9 of the *Electoral Act 1992*, Part 4 and Schedule 1 of the *Electoral Regulation 2013* (ER), and in a party's constitution.

All registered political parties must have a constitution that contains the rules for selecting a candidate to be endorsed for an election. If part or whole of the preselection process involves conducting a ballot of party members, the constitution must include a rule that requires preselection ballots to satisfy the general principles of free and democratic elections.

The ER sets out model procedures for preselection ballots, including nominating candidates, preparing the roll, voting, counting and certifying results.

The registered officer of a party must provide a copy of the model procedures to each person who is a candidate in the ballot.

When do parties have to notify the ECQ about preselection ballots?

A political party's registered officer must give the ECQ written notice at least **seven days before voting** starts in a preselection ballot for a State or local government election.¹

For a State election, the registered officer of a political party must advise the ECQ within **30 days after election day** about whether a preselection ballot was held to choose a candidate.²

Even if the party did not conduct a preselection ballot as part of the preselection process, the ECQ must still be notified.

Penalties apply if the registered officer fails to provide this information.

How does the ECQ oversee preselection ballots?

The ECQ is empowered to undertake audits or inquiries into preselection ballots to identify whether they were conducted in accordance with the model procedures and the party's constitution.

The ECQ may inquire into a preselection ballot of a candidate for a State or local government election 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. The inquiry may be

¹ See section 167

² See section 170

More information

For more information about preselection ballots, please refer to the ECQ's [Preselection Ballot Handbook](#), the [Electoral Act 1992](#), the [Electoral Regulation 2013](#), or contact the ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.

initiated by the ECQ before or after the voting in the ballot takes place.

After each State election, the ECQ will undertake a random audit of preselection ballots conducted by registered political parties for candidates in the election. The ECQ will decide the total number of preselection ballots that it will audit as soon as practicable after the 30th day after election day, and it will conduct a random draw to select which ballots will be audited. Registered political party representatives will be invited to observe the draw if they wish, and candidates (or their representatives) may also attend.

As part of an inquiry or audit into a preselection ballot, the ECQ will require the party's registered officer to provide documentation relating to the ballot within a specified timeframe. Failure to comply with the ECQ's requests to provide documentation may result in enforcement action being taken by the ECQ.

Following the conclusion of an inquiry or audit, the ECQ will provide a report to the Minister, which must be tabled in Parliament.

For an inquiry, the report must state whether the preselection ballots were conducted in accordance with the model procedures and the party's constitution.

For an audit, the report must identify the ballots examined as part of the audit, and any ballots in which someone voted in contravention of the model procedures or the party's constitution.

Notifying the ECQ of endorsement

No matter what selection method is used, the registered officer of the party must notify the ECQ of a candidate's endorsement.

Registered officers of a political party must notify the ECQ **within seven days** if:

- the party endorses a person to be a candidate for an election,
- the party proposes to endorse a candidate for an election (e.g. by publicly announcing an intention to

endorse a person as a candidate, or incurring electoral expenditure for the benefit of a person as an election candidate),

- the party changes its endorsement or proposed endorsement of a person before election day, or
- an elected member stops being a member of the party.

To do this, the registered officer of the party must complete [Form QSG18](#).

Notifying the ECQ of a withdrawn endorsement

The registered officer of a registered political party must notify the ECQ **within seven days** of the withdrawal of an endorsement of a candidate for an election if:

- the party has already endorsed a person to be a candidate, then changes its endorsement to another person, or
- the party nominates a person as a candidate, then withdraws the party's endorsement of that person.

To do this, the registered officer must complete [Form QSG20](#).

If the notice of withdrawal is given to the ECQ **before** the close of nominations, the candidate's nomination is of no effect (i.e. the nomination is automatically withdrawn).³

If the notice of withdrawal is provided to the ECQ **after** nominations have closed, the candidate's name will still appear on the ballot paper, adjacent to the party's name.⁴

The ECQ will contact the candidate as soon as practicable, after receiving a notification of their endorsement or withdrawal of their endorsement by the party.⁵

³ See section 91A(3)

⁴ See section 91A(4)

⁵ See section 91A(5)