



Electoral Commission

QUEENSLAND

Dear Registered Officer or candidate

The ECQ has received enquiries regarding the [Direction about Candidates and Scrutineers at Particular Places](#) (the Direction). Responses to these are below. Please note the Direction has been amended to (a) correct minor typographical errors in the note, and (b) take into account that the Chief Health Officer released the [Local Government election and State by-elections Direction \(No. 2\)](#) on 27 March 2020.

Basic rationale

The ECQ completely understands all election participants' concerns about scrutineers only being allowed at the beginning and the end of counting. However, it is important to understand why the ECQ has taken this step. If scrutineers are allowed in polling booths during the count, there are one of two possible concerning outcomes that are likely to result:

1. Social distancing won't be observed and people's health will be at risk;
2. Social distancing will be observed, but to make scrutineering possible, the preliminary count will not be completed and ballot papers will not be able to be securely packaged, marked and transported on polling night to the secure locations, for overnight storage. In ECQ's view, this second outcome poses a greater and more real risk to the integrity of the vote than the absence of scrutineers during the preliminary count.
3. It should be kept in mind that scrutineers are permitted under the Direction when the full count is conducted the day after polling day.

Where possible, can candidates and scrutineers observe vote counting from outside the polling booth (e.g. through windows, glass doors, etc.)?

Yes, the Direction explicitly distinguishes between a [polling place](#) (the building, structure, etc.) and the [polling booth](#) (the area where vote counting would occur). As a result, subject to the limits otherwise provided for under the Direction (one scrutineer per polling place or count location), candidates and/or scrutineers may observe the preliminary count from outside the polling booth.

Polling officials have been advised to, as far as practical and as environmental conditions allow, keep doors and windows open to better facilitate observation from outside the booth.

The *Local Government Electoral (2020 Quadrennial Election) Regulation 2020* provides that “A returning officer may arrange for the counting of votes to be filmed by a member of the commission’s staff”. Has the ECQ made any arrangements to do this?

No. While the regulation provides for this to occur, no arrangements have been made by the ECQ for the filming of vote counting in these elections given the practical and logistical difficulties of making such arrangements in the time available.

How will candidates or scrutineers know the number of ballots that have passed at a polling booth?

The ECQ has traditionally advised this number upon the sealing of the ballot material at the end of the preliminary count. The Direction makes clear that scrutineers will be invited back in at that point in time. The ECQ will release results to scrutineers and candidates at that point in time.

It should be noted that that number is reconciled with the number of persons marked off the rolls as having asked for a ballot. That number commonly does not reconcile completely with the number of ballots cast for the simple reason that not every person who is given a ballot in fact casts a vote.

What information will scrutineers receive?

The Direction allows for:

- scrutineers to be present at polling booths before voting commences to witness the sealing of the ballot boxes and to record box seal numbers and at the conclusion of the evening, the sealing of the ballot papers after the preliminary count is completed;
- scrutineers to be present at the conclusions of the preliminary count to be given the number of persons who asked for a ballot and the number of ballots cast;
- scrutineers to be given results of the preliminary count.

The updated scrutineer appointment form is available [here](#).

Recounts

Section 96A of the *Local Government Electoral Act 2011* (LGEA) gives the ECQ power to direct a returning officer or another member of the ECQ’s staff to recount some or all of the ballot paper for an election, before the final result of the election is notified. Given the extraordinary context of this election, the Commissioner will exercise this power with greater flexibility than usual. Where there are genuine evidence-based concerns about the correctness of a count, the ECQ will consider recounting the relevant booths.

ECQ staff professionalism and legal obligations

We are living through challenging times. The ECQ understands that. The measures it has taken are not motivated by any ill-will or desire to deny election participants' ability to hold the ECQ to account. It is motivated by two things: everyone's safety, and the ultimate integrity of the election. Extraordinary times sometimes call for extraordinary measures. They also call for a degree of trust to be exercised in ECQ officers and staff members who are taking the effort to process this vote. Our staff will not need reminding, though I will remind them, that forging ballot papers, which includes 'altering or dealing with a document so that the whole of it or a material part of it' makes out it is something that it isn't (see s 175 of the LGEA and s 1 of the *Criminal Code*) is punishable by up to 10 years imprisonment.

Regards

Electoral Commission of Queensland



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