

Recount Policy - Local Government Elections

NT Electoral Commission

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1. Overview

The Northern Territory Electoral Commission (NTEC) is responsible for the impartial conduct of Northern Territory Local Government elections in accordance with the *Local Government Act 2019* and the Local Government (Electoral) Regulations 2021. The NTEC upholds its independence and maintains public confidence by conducting elections openly, impartially and fairly, ensuring that all electoral processes are free and fair.

Recounts are a legitimate and constructive element of electoral administration. They provide an opportunity to verify results and ensure the accuracy of the count where evidence-based concerns have been raised. The NTEC considers recounts a routine and positive mechanism that reinforces the transparency, integrity and reliability of election outcomes.

At any time before the declaration of the result of an election, the returning officer may direct an authorised officer to recount all or a specified class of ballot papers in accordance with the Local Government (Electoral) Regulations 2021.

This policy confirms the NTEC's commitment to applying recount processes with impartiality, consistency and procedural rigour. In doing so, the NTEC ensures that every eligible vote is appropriately considered and that public trust in electoral outcomes is preserved.

2. Purpose

The purpose of this policy is to provide a consistent approach to the management and evaluation of recount requests in accordance with regulation 70 of the Local Government (Electoral) Regulations 2021.

3. Definitions

Term	Definition
Authorised officer	An authorised officer is a returning officer in relation to an election for which the person is the returning officer; a person authorised in writing by the returning officer for an election to exercise specified powers or perform specified functions of an authorised officer under the Local Government (Electoral) Regulations 2021. An authorised officer must be at least 18 years of age and must not be a candidate for election or the spouse or de facto partner of a candidate for election.
Ballot paper	Used for casting a vote including a declaration ballot paper and printed by an authorised printer. Ballot papers must be in the approved form as described in regulation 12 of the Local Government (Electoral) Regulations 2021.
Direction to recount	The returning officer may give the direction to recount: (a) on receipt of a written request from a candidate stating the reasons why a recount is sought or on the returning officer's own initiative.
Easy Count	Software which is used for proportional representation which is approved for use (approved system) by the returning officer under regulation 86 of the Local Government (Electoral) Regulations 2021.
Election	Election means an election of a candidate to a position on a council under the <i>Local Government Act 2019</i> .

Electoral papers	Electoral papers mean papers in the possession of the returning officer or another returning officer that were used for an election, including postal voting papers that were not delivered and have been returned to the returning officer.
Formal ballot paper	A ballot paper is formal if it is marked with a vote clearly indicating the order of the voter's preference for all candidates and satisfies the requirements of regulation 57 of the Local Government (Electoral) Regulations 2021.
Informal ballot paper	A ballot paper is informal if it is not marked with a vote clearly indicating the order of the voter's preference for all candidates or is deemed otherwise informal as per regulation 57 of the Local Government (Electoral) Regulations 2021.
NT Electoral Commission	The NT Electoral Commission (NTEC) is an independent government agency responsible for the impartial conduct of Northern Territory Legislative Assembly and local government elections.
NT Electoral Commissioner	The Electoral Commissioner oversees the conduct of all Legislative Assembly and local government elections. For a local government general election, the Electoral Commissioner is the returning officer and may be the returning officer for a local government by-election.
NTEC staff	NTEC staff are appointed and employed under the <i>Public Sector Employment and Management Act 1993</i> , the <i>Electoral Act 2004</i> and the <i>Local Government Act 2019</i> to conduct state or local government elections.
Recheck	Review of a ballot paper for formality.
Returning officer	The returning officer for a general election is the Electoral Commissioner or if the election is a by-election and where a resolution is passed under <i>the Local Government Act 2019</i> (Section 136 (7)) the person appointed to be the returning officer, or if no appointment is made, the Electoral Commissioner is the returning officer. Note timeframes for filling casual vacancies detailed in Section 54, <i>Local Government Act 2019</i> .
Scrutineer	A scrutineer is a person appointed by a candidate to represent the candidate during voting or at the scrutiny of ballot papers. The appointment must be in the approved form and provided to the returning officer or authorised officer in charge of the voting centre.
Specified class of ballot papers	A specified class of ballot papers may include, informal votes, first preference votes, votes issued at a certain voting centre, votes issued for a certain vacancy.

4. Scope

This policy applies to all NTEC staff.

5. Policy statement

Regulation 70 of the Local Government (Electoral) Regulations 2021 provides:

- 1) At any time before the declaration of the result of an election, the returning officer may direct an authorised officer to recount all or a specified class of the ballot papers.

- 2) The returning officer may give the direction:
 - a) on receipt of a written request from a candidate stating the reasons why the recount is sought;
or
 - b) on the returning officer's own initiative.

6. Recount request by candidate

At any point before the result of an election is declared, a candidate can make a written request seeking a recount to the returning officer. The candidate is required to provide reasons to support the request for a recount this should include evidence supporting the request. It is the responsibility of the returning officer to approve or decline that request.

Consideration will only be given to recount requests that are received in writing and addressed to the returning officer.

Requests for a recount must include evidence to support the recount request, identifying the specific error or irregularity that could potentially affect the election result.

For the returning officer to consider a recount, the following conditions must be met:

1. A candidate must submit a request before the declaration of results of an election.
2. The request must specify the grounds for the recount, detailing the alleged error or irregularity that could potentially affect the election outcome.
3. The preferred method for submitting a recount request is by email to:
 - a. the returning officer; and
 - b. the ntec@nt.gov.au
4. The candidate should confirm receipt of their email request.

If the returning officer determines not to direct a recount requested by a candidate, the returning officer will provide written notice to the candidate of the decision including information on disputing the validity of the election under Part 8.5 of the *Local Government Act 2019*.

7. Returning officer own initiative recount

The returning officer may at any time before the declaration of the result of an election direct an authorised officer to recount all or a specified class of the ballot papers. The returning officer should consider factors detailed in section 8 of the Recount Policy when deciding to direct a recount.

8. Factors that can determine a recount

The returning officer will consider any matter that may be relevant to order a recount.

The following factors may be considered:

- a) the level of detail provided outlining the reasons for requesting a recount of a specified class of ballot papers and/or
- b) whether any identified counting process errors or irregularities in relation to the specified class of ballot papers could have potentially changed the result of the election; and/or

c) the likelihood that a recount could change the result of the election.

A small margin of votes between candidates may not be considered sufficient reason to direct a recount. However, in a close election, the counting process will be closely monitored. Based on an assessment of the progress and circumstances of the count, the returning officer may determine that a recount is necessary and direct a recount in a particular case.

Requests that do not address the factors noted in points (a) to (c) are likely to be refused. Examples of requests that are also likely to be refused include those where the sole reason for seeking a recount appears to be:

- dissatisfaction with the result
- the absence of scrutineers for the candidate at a particular scrutiny.

The returning officer will also consider the time available to complete the recount and approve the declaration of the result prior to the affected council's first meeting.

9. Monitoring, evaluation and review

This policy will be reviewed after each major election event to ensure its currency and to update it as required by legislative changes.

10. Related legislation, policy and resources

10.1 Legislation

Local Government Act 2019 - <https://legislation.nt.gov.au/Legislation/LOCAL-GOVERNMENT-ACT-2019>

Local Government (General) Regulations 2021 - <https://legislation.nt.gov.au/Legislation/LOCAL-GOVERNMENT-GENERAL-REGULATIONS-2021>

Electoral Act 2004 - <https://legislation.nt.gov.au/Legislation/ELECTORAL-ACT-2004>

Electoral Regulations 2024 - <https://legislation.nt.gov.au/Legislation/ELECTORAL-REGULATIONS-2024>

Document title	Recount Policy - Local Government Elections	
Contact details	NT Electoral Commission, ntec@nt.gov.au	
Approved by	Electoral Commissioner	
Date approved	March 2026	
Document review	After the 2025 Territory Election and thereafter on a 4 year cycle	
TRM number	48-D25-386	
Publication details	Document type	Publication
	<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> Guidelines <input type="checkbox"/> Factsheet	<input checked="" type="checkbox"/> NTEC website – public facing <input type="checkbox"/> NTEC website – for staff only <input type="checkbox"/> Not for publication

Version	Date	Author	Changes made
2.0	7 July 2025	Senior Policy and Engagement Officer	Second version and updated parameters in the policy
2.1	31 March 2026	Senior Policy and Engagement Officer	Updated the review cycle

Acronyms	Full form
NTEC	Northern Territory Electoral Commission