



**NORTHERN  
TERRITORY  
ELECTORAL  
COMMISSION**  
*EVERY vote counts!*

# **Candidate Handbook**

## Legislative Assembly Elections

## **NORTHERN TERRITORY ELECTORAL COMMISSION OFFICES**

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## Introduction

This booklet has been prepared to assist prospective candidates at Northern Territory Legislative Assembly elections. Reference should also be made to relevant electoral legislation, in particular the [Electoral Act](#) and [Regulations](#), and the [Northern Territory \(Self-Government\) Act](#) 1978.

Staff of the Northern Territory Electoral Commission (NTEC) will also assist candidates as far as possible with advice on nomination and electoral procedures. However, they are not in a position to provide legal advice and candidates are advised to seek their independent counsel where necessary.



Iain Loganathan  
Electoral Commissioner

### COMMUNICATION WITH THE NTEC

In order to deliver consistent and timely information to candidates and campaign organisers, an election newsletter service operates during the course of the Legislative Assembly elections. This is distributed by email; a hard copy is available if required.

If you wish to be included on the distribution list, please contact [carol.d'allura@nt.gov.au](mailto:carol.d'allura@nt.gov.au) and provide your name and email address (or alternative distribution arrangements).

#### NOTE

You are advised that your email details should preferably be personal, rather than employer-based to avoid any suggestions of conflict of interest. The NTEC is aware that in past elections, some emails have not been delivered due to full inboxes. If you choose to receive the bulletins electronically, please clear your email inbox regularly.

## Election timetable

Day	Day No.	Critical date	Electoral Act Section (s)
<b>Week 1</b>			
Monday	<b>1</b>	<b>Issue of writ</b>	s28
Wednesday 8:00 pm	<b>3</b>	<b>Close of Roll</b> (2 days AFTER writ issue)	s8
Friday 12:00 noon	<b>4</b>	<b>Nominations Close</b> (4 days AFTER writ issue)	ss28 & 34
Friday 1:00 pm		Declaration of nominations   Draw for position on ballot papers	ss37 & 41
		Postal voting commences (ASAP AFTER draw by lot to determine order of candidate names on the ballot paper)	s62
<b>Week 2</b>			
Monday	<b>8</b>	Early voting commences	s69
Wednesday	<b>10</b>	Mobile voting commences (9 days AFTER writ issue)	s3
<b>Week 3</b>			
Tuesday 6:00 pm	<b>16</b>	Postal mail-out ceases to addresses overseas	s62(3)(a)
Thursday 6:00 pm	<b>18</b>	Postal mail-out ceases to Australian addresses	s62(3)(b)
Friday 6:00 pm	<b>19</b>	Early voting ceases	ss3, 70
Saturday 8:00 am - 6:00 pm	<b>20</b>	<b>ELECTION DAY</b> (19 days AFTER writ issue)	ss3, 28
		8:00 am Election day voting commences	
		6:00 pm Election day and mobile voting cease	
<b>Week 5</b>			
Friday 12:00 noon	<b>33</b>	Deadline for the receipt of postal votes (2 <sup>nd</sup> Friday following election day)	s112(1)(a)
		Final counts of postal votes commence	
		Distribution of preferences commence	
* Monday 10:00 am	<b>36</b>	Formal declaration of the poll (as soon as practicable)	s131

\* NT Electoral Commission Policy - not set by legislation.

Actual dates for current elections are available on the NTEC website at [ntec.nt.gov.au](http://ntec.nt.gov.au)

## **1. The Writ**

The writ is a document issued by the Northern Territory Administrator ordering the Electoral Commissioner to conduct an election for the Legislative Assembly. A single writ is issued for a general or by-election.

The writ specifies the following dates:

- nomination day
- election day
- the last day for return of the writ.

The Electoral Commissioner is required to advertise the receipt of a writ in the press.

Electoral rolls close at 8:00 pm on the 2<sup>nd</sup> day after the day the writ is issued.

Nominations close at 12:00 noon sharp on the 4<sup>th</sup> day after the writ is issued.

After the declaration of the poll, the Electoral Commissioner endorses the writ with the names of the candidates returned as elected and returns the writ to the Administrator.

The writ is subsequently tabled in the Legislative Assembly by the Speaker of the House and the elected candidates make an oath or affirmation of allegiance.

## 2. Nominations

### 2.1 Eligibility to nominate

Candidates must be qualified for election as a Member of the Legislative Assembly in accordance with Division 2, Part III of the *Northern Territory (Self-Government) Act 1978*.

Division 2 states, in part:

#### 20 Qualifications for election

Subject to section 21, a person is qualified to be a candidate for election as a member of the Legislative Assembly if, at the date of nomination:

- (a) he or she is an Australian citizen;
- (b) he or she has attained the age of 18 years;
- (c) he or she is entitled, or qualified to become entitled, to vote at elections of members of the Legislative Assembly; and
- (d) he or she has been a resident within the Commonwealth for at least 6 months and within the Territory for at least 3 months.

#### 21 Disqualifications for membership of Legislative Assembly

(1) A person is not qualified to be a candidate for election as a member of the Legislative Assembly if, at the date of nomination:

- (a) he or she:
  - (i) holds an office or appointment (other than a prescribed office or appointment) under a law of the Commonwealth (including this Act) or a law of a State or Territory; or
  - (ii) not being the holder of any office or appointment under such a law, is employed by the Commonwealth, by a State or Territory or by a body corporate established for a public purpose by such a law;

and he or she is entitled to any remuneration or allowance (other than reimbursement of expenses reasonably incurred) in respect of that office, appointment or employment;

- (b) he or she is an undischarged bankrupt; or
- (c) he or she has been convicted and is under sentence of imprisonment for one year or longer for an offence against the law of the Commonwealth or of a State or Territory.

(1A) In subparagraph (1)(a)(i), **prescribed office or appointment** means:

- (a) the office of member of the Legislative Assembly, member of the Council, Minister of the Territory or Speaker of the Legislative Assembly; or
- (b) an appointment under section 25 or 26.

A guide for employees of the Northern Territory Public Service who wish to contest elections is available from the Office of Northern Territory's Commissioner for Public Employment and included in candidate packs distributed for each election. Federal public servants should refer the matter to their respective personnel officers.

If there is any doubt concerning a person's qualifications for election, it is highly recommended that private legal advice be obtained.

## NOTE

It is the responsibility of each prospective candidate to ensure that he/she is qualified for election to the Legislative Assembly in accordance with Division 2, Part III of the *Self-Government Act 1978*.

The nomination of an unqualified candidate may, on appeal to a Court of Disputed Returns, void the election and may cause another election with attendant costs.

The attention of prospective candidates is drawn to the *Electoral Act* Section 287, which provides for a penalty of 100 penalty units or 6 months imprisonment for making an untrue statement in any document required to be signed under the Act.

## 2.2 Lodgement of nomination forms

A nomination must be lodged with the Electoral Commissioner at the NTEC office either in Darwin or Alice Springs (and regional centres for General Elections) after the date of the close of the roll for the election, and **before 12:00 noon on nomination day** (refer to election timetable). Any nominations received after this time will not be accepted.

A candidate must be nominated by six electors for the division the candidate wishes to contest unless the candidate is endorsed by a registered political party, in which case the nomination may be lodged by the registered officer of the party.

A nomination form, deposit and photo may be lodged during business hours from 8:00 am Thursday after the issue of the writ and **before 12:00 noon SHARP Friday after the issue of the writ**. As the lodgement period is limited, nominees are strongly encouraged to make an appointment with [wayne.harlock@nt.gov.au](mailto:wayne.harlock@nt.gov.au) to receive nominations at an appointed location for that purpose, which includes the NTEC offices in Darwin by phoning 08 8999 7613 or Alice Springs 08 8951 5975.

It is recommended that all nominations from independent candidates and political parties are lodged well before closing time to allow for timely processing of ballot paper name and photograph information. Candidates should not leave nomination until the last day if at all possible. An example of a nomination form for a single candidate is shown in Attachment A. Nomination forms for independent and party endorsed candidates are available from the NTEC office or can be downloaded from the website.

The recommended way to lodge a nomination is by personal delivery, email or by fax. Other means of transmission e.g. email, may be acceptable after discussion with the NTEC. If nomination forms are faxed or emailed, your photo should be lodged in person or by email (*remember to also forward the endorsement on the back of the photo*) with an officer authorised to receive nominations. The deposit must be receipted by an officer authorised to receive nominations. Nominees are strongly advised to confirm receipt of a nomination if not delivered in person.

Section 32 of the *Electoral Act* provides that a nomination shall:

- be in the approved form
- set out the name, residential address and occupation of the nominee
- state whether the word 'independent' is to be printed on the ballot paper if the nomination is made by not less than six persons entitled to vote at the election in the division for which the nominee is nominated
- contain:
  - a statement that the nominee consents to be nominated under Part 5, Division 3 of the *Electoral Act* and to act as a member of the Legislative Assembly if elected
  - a declaration that the nominee is qualified in accordance with Part III, Division 2 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, to be a candidate for election as a member of the Legislative Assembly

- be accompanied by:
  - a photograph of the nominee in the prescribed form
  - the amount of \$200 in cash or a bank cheque for that amount made payable to the Receiver of Territory Monies (RTM).
- be signed by the nominee and each nominator.

**NOTE**

It is recommended that:

- while the *Electoral Act* requires only six eligible nominators to sign a nomination form, additional signatures of eligible nominators should be obtained - this may avoid rejection of a nomination where one or more nominators are ineligible and insufficient other nominators remain
- where possible, candidates should avoid lodging nominations at the last moment - this will ensure that there is sufficient time to rectify anomalies which could otherwise result in rejection of the nomination.

**2.3 Nominee's photograph**

Regulation 3 of the Northern Territory Electoral Regulations provides that a nominee's photograph shall:

- be a black and white, full faced, vertical portrait photograph of the nominee's head and shoulders (no hat)
- have been taken within six months before the date of the lodging of his or her nomination
- have endorsed on its reverse side the full name of the nominee and a statement signed by him or her certifying that the photograph was taken within six months before the lodgement of the nomination.

The Electoral Commissioner may, at his discretion, accept a photograph which does not comply with the prescribed requirements. Photos may be lodged electronically, e.g. jpg format. If lodged electronically, ensure that a copy of the statement verifying that the photo has been taken within the last six months is included in material sent and check that the photo has been received.

**2.4 Deposit**

- Candidates must submit, at the time of nomination, a deposit which shall be retained until the result of the election is known. The deposit of \$200 must be in cash or bank cheque made payable to the Receiver of Territory Monies (RTM). A PERSONAL CHEQUE IS NOT ACCEPTABLE.

A candidate is entitled to have this deposit returned in full if he/she:

- is returned as elected
- obtains a total number of 1<sup>st</sup> preference votes which is more than one-fifth of the total of the 1<sup>st</sup> preference votes polled by the elected candidate
- withdraws his/her consent to nomination before 12:00 noon on nomination day.

## 2.5 Withdrawal of nomination

A nomination may be withdrawn provided the Electoral Commissioner receives the [approved form](#) **before** 12:00 noon on nomination day from the:

- candidate, where a nomination was made by six persons entitled to vote at the election or
- registered officer of the registered political party that nominated the candidate.

## 2.6 Death of a candidate

If a candidate dies before election day or the successful candidate dies before the poll is declared, the election is deemed to have failed and deposits are returned to all candidates. In the event of a failed election, the Administrator issues a writ for a new election.

## 2.7 Declaration of nominations

As soon as possible after the close of nominations, the Electoral Commissioner publicly declares the names of all candidates and, if endorsed by a registered political party, the name of the party. The declaration is made at the NTEC office, Darwin or other place notified in the Gazette.

Following the declaration of nominations, the Electoral Commissioner will:

- display a notice stating the name and address of each candidate
- confirm the date of the election day if two or more candidates have nominated for a division.

In the event of only one nomination being received, that candidate is declared as duly elected.

Any person may be present for the declaration. The media is invited and usually attends.

## 2.8 Ballot Papers

As soon as practicable, the declaration of the candidates for each division and a draw will be undertaken to determine the order that the candidates' names will appear on the ballot paper. The draw will be conducted in the NTEC office in Darwin. The event will also be covered by video-link in the office in Alice Springs.

Each candidate's photograph and the candidate's political party or the word 'Independent' (if requested on the nomination form) will be printed on the ballot paper.

### ***Candidate names on the ballot paper***

Candidate names are printed on the ballot paper in the order drawn by lot and each candidate's photograph will be printed on the ballot paper next to their name.

#### **NOTE**

- You can ask for an abbreviated first name or given name to appear on the ballot paper - request the abbreviation on the nomination form.
- Surnames/family names cannot be abbreviated.
- Obscene and frivolous names, nicknames and names adopted for an ulterior motive cannot be used.

## 3. Voting

The voting system used for Legislative Assembly elections is optional preferential voting. An elector is to place the number 1 in the box next to the photograph of your first preference candidate and then place increasing whole numbers (*2, 3, etc.*) in as many other boxes as desired in order to indicate order of preferences for the other candidates. Electors do **not** have to number **every** box to make their vote count.

### 3.1 Early voting

All electors are entitled to vote early. Early voting centres may be established in Darwin, Coolalinga, Howard Springs, Palmerston, Casuarina, Jabiru, Nhulunbuy, Katherine, Tennant Creek and Alice Springs. Confirmation on early voting centre dates and operating times will be advised after the writ is issued.

Early voting commences as soon as possible after ballot papers are printed and will operate during pre-determined office hours except on the Friday before election day when it finishes at 6:00 pm. Hours of operation will be advertised publicly and shown on the NTEC website.

Counting of early votes will take place after 6:00 pm on election day at NTEC offices and other regional offices. Candidates will be advised of exact counting times and locations prior to election day.

### 3.2 Postal voting

There are two ways of obtaining a postal vote under the *Northern Territory Electoral Act*:

- an eligible elector may register on an ongoing basis as a Registered Postal Voter (RPV) with the Australian Electoral Commission (AEC)
- an elector may complete an online or paper based postal vote application.

**Register of Postal Voters (RPV)** - When an election occurs, a postal vote certificate and ballot paper are automatically issued and forwarded direct to an elector who is listed as a [RPV](#).

**Application for a postal ballot paper** - Online application forms are available from the NTEC website. Other application forms are available from NTEC offices listed at the front of this handbook, NTEC website, post offices and early voting centres. The locations of the early voting centres are advertised after the election announcement.

Applications received before the close of nominations will be processed and dispatched with postal ballot material as soon as possible after nominations close.

In order for a postal ballot paper to be issued, an application for a postal ballot paper must be received by the NTEC before:

- 6:00 pm on the Tuesday before election day for a forwarding address outside Australia
- 6:00 pm on the Thursday before election day for forwarding address within Australia.

All applications for postal ballot papers must:

- be in the approved form (either online or paper form)
- include the relevant elector details

Any candidate or campaign official in receipt of an elector's completed postal vote application must forward or deliver it **WITHOUT DELAY** to the NTEC for processing.

#### ***Authorised witness***

When voting by post an elector must sign his/her name on the postal vote certificate in the presence of an authorised witness who is required to:

- sign the postal vote certificate
- indicate the date and time of signing.

It is suggested that a candidate does NOT witness ballot materials.

### **Return of postal ballot papers**

In order to be admitted to the count, a postal vote must be completed before the close of the poll and be received by the NTEC by 12:00 noon on the second Friday after election day (refer to the timetable at the front of this handbook).

### **3.3 Mobile voting**

Mobile voting is conducted over a number of days leading up to election day. It takes place in hospitals, nursing homes, hostels and correctional centres as well as at remote locations.

Mobile voting locations operate at set dates and times to allow electors to vote, commencing 10 days before election day and up to 6:00 pm on election day itself. All candidates will be advised in advance of mobile voting details in both urban and remote localities. Mobile voting timetables are advertised locally and published on the NTEC website. If any changes have to be made to the timetable, due to weather conditions, sorry business etc., candidates are advised and the changes notified on the website.

The polling times for mobile voting vary according to the number of electors to be serviced. Wherever possible, itineraries for mobile voting teams are drawn up taking into account the routine movements of electors and any identified best polling times and dates for the locations concerned.

### **3.4 Election day voting centres**

Election day voting centres are appointed in centres where significant numbers of electors are enrolled and a full day of polling is appropriate. Election day voting centres on election day open from 8:00 am to 6:00 pm. All voting centre locations are widely advertised.

A list of election day voting centres is available from the NTEC offices as soon as they are finalised, will be published in the Election Newsletter and will be published in the press and on the NTEC website.

### **3.5 Absent voting**

If an elector attends a voting centre outside their area, they will cast an absent vote which is placed in an envelope and counted after election day.

### **3.6 Entry onto Aboriginal land**

A candidate may enter and remain on Aboriginal land for the purpose of conducting his/her campaign.

Scrutineers and helpers, however, other than those entitled by Aboriginal tradition, should check whether they need to apply to the relevant Land Council for a permit if they wish to enter and remain on Aboriginal land. Details of current policy in relation to Aboriginal Land Permits can be found on the Northern Territory Government website at [www.nt.gov.au](http://www.nt.gov.au)

### **3.7 Appointment of scrutineers**

Candidates may appoint scrutineers to observe the polling and to be present during the determination of the poll.

Appointment forms (see Attachment B) are available on the website, NTEC offices and in the candidate's pack. Scrutineers must present their appointment forms to the Officer in Charge (OIC) of the voting centre or scrutiny centre who will check that the form is properly completed.

Scrutineers are required to sign an undertaking that they will not attempt to influence the vote of any elector or disclose knowledge officially acquired concerning the vote of an elector.

### **3.8 Rights and responsibilities of scrutineers**

One scrutineer per candidate is permitted to remain in the voting centre during polling hours. During the determination of the poll, one scrutineer per candidate per count table may be present while the count is in progress.

A scrutineer will be issued with a name tag and a vest to wear while they are in a voting centre. If they leave the voting centre both the name tag and vest is to be returned to the OIC.

A scrutineer **MAY**:

- come and go during polling hours or the determination of the poll - his/her place may be taken by another duly appointed scrutineer
- observe all voting and counting procedures with the exception of an elector actually voting (unless the elector is assisted to vote by a polling official).

A scrutineer **MUST NOT**:

- touch ballot papers
- interfere with or attempt to influence any voter
- disclose knowledge concerning the vote of any person
- wear anything promoting a candidate or political party within a voting centre
- deliberately show or leave how-to-vote material in the voting centre
- communicate with any person in a voting centre other than in the exercise of their functions as a scrutineer
- help with the clearing of voting screens or removal of material from the voting centre
- interfere in any way with the count.

If a scrutineer wishes to object to any procedure or question staff in any way, he/she should see the OIC of the voting centre. Details of any objections will be formally recorded.

If a scrutineer objects to the formality of a ballot paper, it will be set aside for the OIC of the voting centre to examine. The OIC will write 'admitted' or 'rejected' on the back of the ballot paper according to his/her decision. The ballot paper is then sorted appropriately.

All decisions on the formality of ballot papers are subject to review during the recheck of ballot papers conducted by the NTEC. The recheck may also be attended by scrutineers on the basis of one scrutineer per counting table.

### **3.9 Assistance to electors**

An elector who is unable to vote without assistance may appoint a person to assist him or her. No one other than the nominated person is to be present when the ballot paper is being marked.

If the elector fails to appoint a person, the OIC of the voting centre will provide assistance. A scrutineer may be present while the ballot paper of an assisted elector is marked by the OIC. However, scrutineers must not attempt to communicate with the elector in any way while he/she is in the process of voting.

#### **NOTE**

It is an offence for a person to disclose any matter relating to the vote of an assisted elector. The prescribed penalty is 200 penalty units or imprisonment for 12 months.

Voter assistance may be delivered in any of the following ways:

1. by acting as an interpreter
2. for a declaration vote – by completing, or assisting the voter to complete, the declaration envelope
3. by explaining the instructions on the ballot paper and the requirements of the Act relating to its marking
4. by marking, or assisting the voter to mark, the ballot paper at the voter's direction
5. by folding the ballot paper and placing it in a ballot box or declaration envelope, or giving it to an officer, as required by the *Electoral Act*.

### **3.10 Canvassing**

Canvassing for votes of any kind is not permitted within 100 metres of the entrance to a building, shop front and/or area designated in which there is a voting centre during the hours of polling. This also applies to early voting centres and mobile voting locations. The 100 metre ban on canvassing applies to:

- the placement, display or handing out of posters
- pamphlets or bunting that contains electoral matter, including handing how-to-vote cards to voters
- soliciting the vote of a person
- inducing a person not to vote for a particular candidate
- inducing a person not to vote at the election
- the use of a loud speaker, public address system, amplifier or other thing to broadcast matter cannot be audible within 100 metres of the entrance of the voting centre.

The 100 metre exclusion also applies to personal canvassing by candidates or party workers, whether or not they are handing out any canvassing material. If there is any doubt about the 100 metre exclusion zone, scrutineers should confer with the OIC of the voting centre.

### **3.11 Complaints**

Any complaints during an election period should be submitted in writing to the Electoral Commissioner for assessment. Some complaints may need further investigation and, if appropriate, legal proceedings may follow. If a candidate believes an illegal practice has occurred which has affected the election outcome, he/she is able to petition the Court of Disputed Returns.

The Electoral Commissioner will not discuss the detail of a complaint with the media although the media might wish to discuss an issue with the parties associated with a complaint. Email your complaint to [jain.loganathan@nt.gov.au](mailto:jain.loganathan@nt.gov.au)

## **4. Vote counting and determination of the poll**

### **4.1 Vote counting**

#### ***Election night***

A count of 1<sup>st</sup> preference votes is conducted at the voting centre immediately after the close of the poll on election day. Informal ballot papers that do not comply with the vote marking instructions are set aside and will be reviewed with all ballots included in the count at the recheck.

One scrutineer per candidate per counting table may attend the count. Unless advised to the contrary, two counting 'tables' will be in operation at the voting centres and one counting 'table' at any subsequent counts at the NTEC offices.

A **notional** two candidate preferred count will be conducted to ascertain the flow of preferences to the last two candidates likely to be remaining in the count.

**NOTE**

Postal and early votes will be counted on polling night at NTEC offices.

***After election night***

A recheck of votes from voting centres is undertaken during the two week period after election day, followed by a count of declaration and absent votes. A further postal vote count will be undertaken after the close of receipt of postal votes. Scrutineers may attend these counts. Candidates will be advised of the relevant times and locations.

Electors voting by post have until 12.00 noon on the second Friday after election day to return their postal ballot papers. Preferences are not usually distributed before the cut off for the return of postal ballot papers.

**4.2 Ballot paper formality provisions**

Under an Optional Preferential Voting (OPV) system the elector has a choice about how they mark the ballot paper:

- they can place the number 1 or a cross (X) or a tick (✓) in the candidate square they prefer to indicate their choice, or
- the elector may choose to vote giving preferences by marking a ballot paper with a number 1 or a cross (X) or a tick (✓) in the candidate square of the preferred candidate to record the elector's first preference. The elector then marks the required number of preferences (i.e. '2', '3', '4' and so on in numerical order in the other candidate squares) to record the order of preferences for more than one or more other candidates. The elector need not give a preference to all candidates.

OPV is a system whereby a candidate is elected with an absolute majority of formal votes remaining in the count.

A ballot paper is **informal** if:

- there is no marking on it
- there is no number 1 or a cross (X) or a tick (✓)
- the number 1, a cross (X) or a tick (✓) appear against two or more names
- any ballot paper where the electors intention is not clear
- any ballot paper with a mark or writing that identifies the elector
- any ballot paper placed in a Discarded Ballot Paper Envelope.

Directions on the ballot paper remind an elector:

- place the number 1 in the box next to the photograph of your first preference candidate and then place increasing whole numbers (2, 3, etc.) in as many other boxes as you wish in order to indicate your order of preferences for the other candidates
- electors do **not** have to number **every** box to make their vote count.

### 4.3 The distribution of preferences

To be elected, a candidate must receive a majority of the total formal votes in the count (i.e. 50% + 1 vote). For example - if there are 4000 formal ballot papers in the count, the absolute majority of votes is calculated as:  $4000 \div 2 = 2000 + 1 = \mathbf{2001}$ .

If:

- a candidate has a majority of the votes, the candidate is elected and no further counting is necessary
- no candidate receives a majority, the candidate with the least number of formal votes is 'excluded' and that candidate's ballot papers are re-sorted to the other candidates according to the 2<sup>nd</sup> preference shown on each ballot paper
- a ballot paper fails to show a preference for a continuing candidate, the ballot paper is 'exhausted' and removed from the count. The majority required for election must then be recalculated minus any exhausted ballot papers.

The process of exclusions is repeated until one candidate gains more than half of the formal votes remaining in the count and is elected.

In an election with two candidates, the candidate who receives more than half of the formal 1<sup>st</sup> preference votes (50% + 1) is elected and no further counting is necessary.

At the distribution of preferences, any candidate who obtains more than 50% of the formal 1<sup>st</sup> preference votes is elected.

If no candidate obtains 50% + 1 of the formal votes:

- candidates are progressively excluded from the count commencing with the candidate with the least number of votes
- their ballot papers are distributed to candidates remaining in the count according to the next available preference
- a candidate obtaining a majority of the formal votes is elected.

For an election with three or more candidates, see the example below.

A candidate can be elected at any count where a majority is reached, including at the count of 1<sup>st</sup> preferences.

Count		Candidates				Votes			
		A	B	C	D	Formal in Count	Majority Required	Exhausted *	Total Formal
<b>1</b>	<b>1<sup>st</sup> Preferences</b>	500	1600	1500	400	4000	2001	0	<b>4000</b>
<b>2</b>	<b>D Excluded</b> - 400	50	100	170	-400			80	
<b>3</b>	<b>Progressive Totals</b>	550	1700	1670	0	3920	1961	80	<b>4000</b>
<b>4</b>	<b>A Excluded</b> -550	-550	160	265				125	
<b>5</b>	<b>Progressive Totals</b>	<b>0</b>	<b>1860</b>	<b>1935</b>	<b>0</b>	<b>3795</b>	1898	<b>205</b>	<b>4000</b>
<b>ELECTED</b>									

### Count explanation

Count 1 - The count of 1<sup>st</sup> preferences, 4000 formal ballot papers. The winning candidate needs a majority of votes to be elected:  $4000 \div 2 = 2000 + 1$  votes. No candidate has received that number of votes.

Count 2 - Candidate D with the least number of votes is excluded and their votes (400) are transferred to the other candidates remaining in the count according to the 2<sup>nd</sup> preference marked. 80 ballot papers show no 2<sup>nd</sup> preference and are exhausted.

Count 3 - The transferred votes are added to the progressive totals of the remaining three candidates. With 80 exhausted ballot papers, the new majority required is  $3920 \div 2 = 1960 + 1$  votes. No candidate has received that number of votes.

Count 4 - Candidate A with the least number of votes is excluded and their votes (550) are transferred to the two other candidates remaining in the count according to the next available preference marked. 125 ballot papers show no further preference and are exhausted.

Count 5 - The transferred votes are added to the totals of the remaining candidates. With 205 exhausted ballot papers (80 + 125), the new majority required is  $3795 \div 2 = 1897 + 1$  votes. Candidate C has received that number of votes and is elected.

\* No ballot papers are exhausted at the count of 1<sup>st</sup> preferences. Ballot papers exhausted after that count are recorded on the count sheet to balance and check the number of formal votes in the count at the end of every exclusion.

#### **4.4 Declaration of the poll**

A declaration of the poll is made as soon as practicable after the results have been determined. Candidates will be advised of relevant details.

#### **4.5 Recounts**

At any time before the declaration of the poll, certain individuals (including a candidate) may make a request, in writing, to the Electoral Commissioner, for a recount. The grounds for the request need to be contained in the request.

The Electoral Commissioner may also order a recount on his or her volition.

Recounts are only conducted at the discretion of the Electoral Commissioner.

#### **4.6 Disputed elections**

The validity of an election may be disputed by petition addressed to the Court of Disputed Returns.

Procedures for disputing an election are laid down in Part 12 of the *Electoral Act*. Any person contemplating a challenge should consult his/her own legal advisers.

## 5. Election advertising and campaigning

Candidates should ensure they are familiar with the relevant provisions of the electoral offences listed in the *Electoral Act*. See Attachment E of this handbook.

### 5.1 Campaign material and electoral matter

Campaign material includes any advertisement or document etc., intended to promote the electoral prospect of a candidate or group of candidates for an election, for example:

- an electoral advertisement
- a printed document such as a handbill, pamphlet, how-to-vote card
- a message containing electoral matter that is sent by telephone or broadcast by electronic means
- published material containing electoral matter.

Electoral matter is any matter, in printed or electronic form, intended, or likely, to affect voting at an election.

Campaign material, both printed and in electronic format, must have:

- the name and address of the person authorising the advertisement
- if a printed document, the name and address of the printing company stated at the end.

Where the material is to be viewed from two sides, the authorisation and printer's details are required on both sides. Letters to the editor of a newspaper, if published, require the name and address of the author (street name/suburb is deemed sufficient).

A person must not publish or distribute any campaign material that:

1. is likely to
  - a. mislead an elector
  - b. deceive an elector
  - c. improperly interfere with an elector casting a vote
2. contains an untrue or incorrect statement.

During the election period, any person involved in push-polling activities must state clearly the name and address of the person authorising the activity. Push polling means the conduct of any surveys intended to influence an elector in deciding their vote.

### 5.2 Electronic advertising - Radio, TV, Internet

The Commonwealth *Broadcasting Services Act 1992* Schedule 2 outlines provisions relating to the broadcasting and televising of political matter. It requires that political matter broadcast by a person other than a political party should state (**and** record in word images on screen if using television):

- the name of the person authorising the broadcast **and**
- the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office is situated.

The required particulars must be broadcast in the same language as the political matter.

Broadcasting and televising of election advertisements are prohibited in State/Territory parliamentary elections from midnight on the Wednesday preceding election day until the close of the poll.

See [fact sheet](#) on **Broadcasting and communication of political and election matter** at [acma.gov.au](http://acma.gov.au)

Refer any queries to the Australian Communications and Media Authority.  
PO Box Q500, Queen Victoria Building, Sydney, NSW, 1230  
Telephone (02) 9334 7700.

Internet advertising using social media e.g. Facebook, Twitter, must carry the name and address of the authoriser.

### **5.3 Printed advertising**

The requirements for printed election advertisements are provided under the *Electoral Act* Part 13, Division 1, Subdivision 2.

The name and address (**not a post office box**) of the person authorising the material and that of the printer must appear at the end of the item.

**Example:** *Authorised by Joe Bloggs, 5 Day Road, Suburb*

During election campaigns a number of complaints are received concerning the placement of signs in public areas and on private property. Check council policies and guidelines when determining where to place campaign material to best effect and be mindful of safety, size and content. Ask permission from building and/or property owners before putting up signage. If a school is used as a voting centre, signage should not be placed there until election day eve AFTER students have left for the day.

The Power and Water Corporation has requested that the following message is distributed to all candidates and their campaign workers:

#### **Campaign Signage on Power and Water Corporation Infrastructure**

The Power and Water Corporation has a duty of care to the public and its employees to safeguard the health and safety of persons in the vicinity of, or working on, its infrastructure. Consequently, promotional material cannot be placed on Power and Water's assets including power poles, substations, water tanks and water pipes.

Any campaign signage found on Power and Water assets will be removed immediately and will be stored by Power and Water and available for collection by candidates.

For further information, Power and Water can be contacted on **1800 245 092**.

The Department of Construction and Infrastructure (DCI) also has the following election signage restrictions:

## **Election Signage - Department of Infrastructure**

### **Objective**

#### **Policy principles**

1. The placement of election signs on NT Government road reserves is not to compromise motorist, cyclist and pedestrian safety.
2. The placement of election signs on NT Government road reserves should not compromise the environmental values of the community.

### **Guidelines**

#### **Policy requirements**

- Signs can be placed from the announcement of an election.
- Signs are to be removed within seven days after an election.
- Signs are not to be larger than 1.5m<sup>2</sup>.
- Signs are not to compromise driver safety.
- This includes but is not restricted to:
  - no signs to be placed so as to obscure the view of the drivers (driver sight lines to be in accordance with Australian Standards)
  - no signs to be located within 150m of an intersection
  - no signs to be placed on median strips
  - no flashing or illuminated signs on road reserves
  - no permanent (solid) structures to be placed on road reserves.
- Mobile signs are not permitted in the road reserve, including those attached to trailers or motor vehicles for the clear purpose of advertising.
- Candidates placing signs should take into consideration environmental concerns - alternatives to such actions as nailing signs onto trees should be found.

#### **Signs in breach of this Policy**

1. Where signs are in breach of this policy, all efforts will be made to contact the responsible parties as soon as the Department becomes aware of the offending signs. The responsible parties will be asked to remove the signs within a particular timeframe.
2. If the signs have not been removed within the agreed upon timeframe, Departmental officers will remove the signs and recover costs from the responsible party.
3. Where the responsible party cannot be contacted, Departmental officers will remove the signs within a period of 48 hours or sooner in the case of signs compromising the safety of road users.
4. Costs will be recovered from the responsible parties.

For further information contact the Department of Infrastructure on 08 8999 5511. Council regulations relating to signage restrictions on public property or land are available on the websites of individual councils or by directly contacting the councils themselves.

## **6. Financial disclosure and electoral offences**

### **6.1 Financial disclosure requirements**

All candidates have a financial disclosure obligation after the election. Candidates must lodge a [financial disclosure return](#) even when no donations were received or expenditure incurred. In this case 'nil' returns must be lodged. An electronic disclosure return will be available in the Candidate's pack.

The financial disclosure returns of candidates must include the following:

- the number of donors and total amount of all donations received
- the names and details of people and organisations who made donations in excess of the disclosure threshold
- all amounts spent on certain types of electoral expenditure.

### **Electoral expenditure**

All electoral or campaign expenditure incurred in each of the following categories must be reported:

- broadcasting advertisements (including production costs)
- publishing advertisements (including production costs)
- displaying advertisements at a theatre or other place of entertainment (including production costs)
- costs of campaign material that was used or distributed where the name and address of the author, or the authorising person, is required (such as how-to-vote cards, pamphlets or posters)
- direct mailing
- opinion polling and other research relating to the election.

Certain other campaign expenditure (for example, hire of premises or equipment, freight, telephone and travel costs) does not have to be reported.

### **Election donations**

Election donations may be in cash (money, direct deposit or cheque), or 'in-kind' such as professional services or office equipment provided free of charge or at less than normal commercial value. Donations may be received directly by the candidate or by someone acting on behalf, or with the authority, of the candidate.

In-kind donations must be disclosed at the normal commercial or sale value of the item or service.

People or organisations making donations to a candidate in excess of the applicable disclosure threshold are also required to lodge a financial disclosure return with the NTEC.

If a person or organisation makes a donation to the campaign committee of an endorsed candidate, this is treated as though the donation is made to the relevant political party and is therefore required to be reported in the party's annual disclosure returns rather than the candidate's election return.

### **6.2 Electoral offences**

Candidates should be aware of all offences outlined in the *Electoral Act*. These are listed in Attachment C.

The NT *Criminal Code Act*, Part IV, Division 3 outlines offences relating to corrupt and improper practices at elections (see Attachment D for details).

## NOMINATION - To the Electoral Commissioner

**DIVISION** \_\_\_\_\_  
*(Insert name of division for which being nominated)*

### 1 NOMINATORS TO COMPLETE *(Please PRINT)*

1a We, the electors named below, are on the roll for the above division and are entitled to vote at the election for a member of the Legislative Assembly for the division.

**We hereby nominate:**

\_\_\_\_\_ *(Given name/s)*

\_\_\_\_\_ *(Surname/Family name)*

as a candidate for election as a member of the Legislative Assembly for the division named above.

1b

### NOMINATORS

This nomination **MUST** be signed by not less than six (6) persons entitled to vote at the election in the Division for which the candidate is nominated.

**NOTE:** *It is highly recommended to provide more than 6 nominators to avoid any problems*

	<b>Name <i>(Please PRINT)</i> and Signature</b> ✎	<b>Address on Electoral Roll <i>(Please PRINT)</i></b>
<b>1.</b>	NAME Signature ✎	
<b>2.</b>	NAME Signature ✎	
<b>3.</b>	NAME Signature ✎	
<b>4.</b>	NAME Signature ✎	
<b>5.</b>	NAME Signature ✎	
<b>6.</b>	NAME Signature ✎	
<b>7.</b>	NAME Signature ✎	
<b>8.</b>	NAME Signature ✎	
<b>9.</b>	NAME Signature ✎	
<b>10.</b>	NAME Signature ✎	

**SCRUTINEER APPOINTMENT FORM****1****CANDIDATE TO COMPLETE** *(Please PRINT)***To the Officer in Charge****Division** \_\_\_\_\_*(Insert name of division)*

Voting/Counting Centre \_\_\_\_\_

I, \_\_\_\_\_

*(Name of Candidate)*

hereby appoint \_\_\_\_\_

*(Name of Scrutineer)**(Given Name/s)**(Surname/Family Name)*

of \_\_\_\_\_

*(Residential Address)*

to act as my scrutineer at the above location for the election to be held on \_\_\_\_/\_\_\_\_/\_\_\_\_.

Signature of candidate ✎ \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_.

**2****SCRUTINEER TO COMPLETE** *(Please PRINT)*

I \_\_\_\_\_

*(Given Name/s)**(Surname/Family Name)*

of \_\_\_\_\_

*(Residential Address)*

promise that I:

- will act as a scrutineer to the best of my understanding and ability
- will not influence
  - (a) how an elector votes
  - (b) the result of an election (except for recording my own vote)
- will not reveal what I know about the vote of an elector, except in reply to a question which I am required by law to answer.

Signature of scrutineer ✎ \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of witness ✎ \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**PRINT NAME OF WITNESS:** \_\_\_\_\_

## *Electoral Act offences*

### **PART 13 Electoral Offences and legal proceedings**

#### **Division 1 Electoral offences**

##### **Subdivision 1 Protection of election rights and duties**

#### **264 Interfering with election right or duty**

A person must not interfere with the free exercise or performance, by another person, of a right or duty under this Act relating to an election.

Maximum penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units.

#### **265 Making false statements about entitlement to vote**

(1) A person must not inform another person that the other person is not an elector if the other person is an elector.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(2) A person must not inform another person that the other person is not an elector for a particular division if the other person is an elector for the division.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

#### **266 Improperly influencing voters**

(1) A person must not, by violence or intimidation, influence the vote of another person at an election.

Maximum penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2) An officer must not, in exercising a power or performing a function under this Act, do anything to influence the vote of another person at an election.

Maximum penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

## 267 Secrecy of vote

(1) A person who is present when a voter votes must not:

- (a) ascertain or disclose by word, act or in another way the voter's vote; or
- (b) directly or indirectly require, induce or attempt to induce the voter to show how the voter intends to vote; or
- (c) communicate with or assist the voter while voting or look at the voter's ballot paper; or
- (d) interfere with the voter's casting of a vote.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(2) Subsection (1) does not apply to the extent a person acts under section 67 or 87 or at the voter's request.

## Subdivision 2 Campaigning offences

### 268 Definitions

In this Subdivision:

***distribute*** means print, publish, produce or disseminate.

***newspaper*** means a newspaper published or distributed in the Territory.

### 268A Meaning of campaign material

(1) ***Campaign material*** is an advertisement, document or any other thing that is intended to promote the electoral prospect of a particular candidate or group of candidates for an election.

(2) Without limiting subsection (1), ***campaign material*** includes any of the following:

- (a) an electoral advertisement;
- (b) a printed document containing an electoral matter (for example, a handbill, pamphlet or how-to-vote card);
- (c) a message containing an electoral matter that is sent by telephone or otherwise broadcast by electronic means;
- (d) material containing an electoral matter that is published.

(3) The Commissioner may, in writing, declare a thing mentioned in subsection (1) or (2) is not campaign material.

(4) The Commissioner may do so only if the Commissioner is satisfied the declaration is warranted having regard to all of the following:

- (a) any information contained in the thing and the way in which the information is presented;
- (b) the person for whom the thing is created;
- (c) the way in which the thing is intended to be used or distributed;
- (d) any other matters as the Commissioner considers appropriate.

## 269 Application of Division

This Division applies to the publication or distribution of advertisements, newspapers, electoral articles and other documents during the election period for an election.

## 270 Offences relating to campaign material

(1) A person must not publish or distribute any campaign material unless:

- (a) the material clearly states the name and address of the person authorising the publication or distribution; and
- (b) if the material is a printed document – the material includes the name and address of the printer who printed the document; and
- (c) if the material is intended to be viewed from 2 sides – the information mentioned in paragraphs (a) and (b) is included on both sides.

Maximum penalty: 100 penalty units.

(2) Subsection (1) does not apply to the announcement by advertisement in a newspaper of the holding of a meeting.

(3) A person must not publish or distribute any campaign material that:

- (a) is likely to:
  - (i) mislead an elector; or
  - (ii) deceive an elector; or
  - (iii) improperly interfere with an elector casting a vote; or
- (b) contains an untrue or incorrect statement.

Maximum penalty: 100 penalty units.

## 271 Offence relating to push-polling

(1) A person must, before conducting any push-polling, state clearly the name and address of the person authorising the push-polling:

- (a) for push-polling conducted by a telephone call – to the receiver of the call; or
- (b) for push-polling conducted in a meeting with another person – to the other person.

(2) The person authorising the push-polling commits an offence if subsection (1) is contravened because of an act or omission of the person.

Maximum penalty: 100 penalty units.

(3) In this section:

**push-polling** means any activity conducted as part of a telephone call made, or a meeting held, during the election period for an election, that:

- (a) is, or appears to be, a survey (for example, a telephone opinion call or telemarketing call); and
- (b) is intended to influence an elector in deciding his or her vote.

## 272 Heading of advertisements

(1) This section applies to the publication in a newspaper of an advertisement if any payment, reward, compensation or promise is or is to be made for the publication.

(2) The proprietor of the newspaper must ensure the word "advertisement" is printed as a headline, in letters not smaller than 10 point, to the advertisement.

(3) In this section:

**advertisement** means:

- (a) an article or paragraph containing electoral matter; or
- (b) a report of a speech of a candidate in an election.

## 273 Electoral articles to be signed or state particulars of author

(1) A person must not distribute a circular, pamphlet or handbill containing an electoral article unless:

- (a) the article is signed by the author; or
- (b) the true name and address of the author is stated at the end of the article.

Maximum penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(2) The proprietor of a newspaper must ensure an electoral article published in the newspaper contains the true name and address of the author at the end of the article.

Maximum penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(3) Subsections (1) and (2) do not apply to the publication in a newspaper of:

- (a) a leading article; or
- (b) an article that consists solely of a report of a meeting and does not contain any comment, other than comment made by a speaker at the meeting.

Maximum penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(4) In this section:

**address**, of the author of an electoral article, means:

- (a) if the author is the registered officer of registered party – the party's address; or
- (b) if the author is the proprietor of a newspaper or an employee of the proprietor of a newspaper – the proprietor's business address; or
- (c) otherwise – the street name (if any) and locality of the author's residence.

***electoral article*** means an article, report, letter or other matter, or part of an article, report, letter or other matter, commenting on a candidate or political party or the issues being submitted to, or otherwise before, the electors at an election.

#### **274 Exemptions for distribution of electoral articles**

(1) Section 273(1) does not apply to electoral matter on any of the following items unless the item includes a representation of a ballot paper:

- (a) a letter from an MLA that includes the name of the MLA and an indication that the person is an MLA;
- (b) a press release published by or for an MLA that includes the name of the MLA and an indication that the person is an MLA;
- (c) an annual report required under an Act or another publication of an Agency;
- (d) a business or visiting card that promotes the candidacy of a person in an election.

(2) In this section:

**publication**, of an Agency, does not include a publication that is published for the first time within 6 months immediately before a general election if the publication includes a picture of an MLA.

#### **275 Canvassing for votes etc. near voting centre**

(1) This section applies during polling hours on election day.

(2) A person must not do any of the following things within 100 metres of the entrance of a voting centre:

- (a) canvass for votes;
- (b) solicit the vote of a person;
- (c) induce a person not to vote for a particular candidate;
- (d) induce a person not to vote at the election;
- (e) exhibit a notice or sign relating to the election.

Maximum penalty: 20 penalty units.

(3) A person must not use a loud speaker, public address system, amplifier or other thing to broadcast matter that is:

- (a) audible within 100 metres of the entrance of a voting centre; and
- (b) intended or likely to do a thing mentioned in subsection (2)(a) to (d) (inclusive).

Maximum penalty: 20 penalty units.

#### **276 Badges, emblems etc. in voting centres**

A person must not wear or display in a voting centre a badge, emblem, poster or other thing associated with a political party or candidate.

Maximum penalty: 5 penalty units.

## **277 Exhibition of electoral matter in voting centres**

(1) A person must not exhibit in a voting centre a card or paper containing electoral matter.

Maximum penalty: 5 penalty units.

(2) An offence against subsection (1) is a regulatory offence.

## **278 Publication of statements regarding candidates**

(1) A person must not publish or authorise to be published, on behalf of an entity, a statement:

- (a) expressly or impliedly claiming a candidate in an election is associated with, or supports the policy or activities of, the entity; or
- (b) expressly or impliedly advocating a candidate should be given the first preference vote in an election.

Maximum penalty: If the offender is a natural person – 100 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 500 penalty units.

(2) Subsection (1) does not apply if the candidate gives written authority to the publication of the statement.

(3) In a proceeding for an offence against subsection (1), it must be presumed, unless the contrary is proved, that a statement purported to be made on behalf of an entity was made on behalf of the entity.

(4) This section does not apply to a statement that:

- (a) is published on behalf of a registered party; and
- (b) relates to a candidate nominated by the party who has publicly declared his or her candidature to be on behalf of, or in the interests of, the party.

## **Subdivision 3 Offences relating to compulsory voting and entitlement to vote**

### **279 Compulsory vote**

(1) An elector who is entitled to vote at an election must vote at the election unless the elector has a valid and sufficient reason for not voting.

Maximum penalty: 1 penalty unit.

(2) Without limiting subsection (1), an elector is taken to have a valid and sufficient reason for not voting at an election if the elector is precluded from voting because of the elector's religious beliefs.

### **280 Person may vote only once**

(1) A person must not vote more than once at an election.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(2) An offence against subsection (1) is a regulatory offence.

## **Subdivision 4      Voting fraud offences**

### **281    Offences relating to supplying and obtaining ballot papers**

(1) A person must not supply a ballot paper unless authorised to do so for this Act.

Maximum penalty:    100 penalty units.

(2) A person must not pretend to be someone else to obtain a ballot paper to which the person is not entitled.

Maximum penalty:    400 penalty units or imprisonment for 2 years.

### **282    Offences relating to marking ballot papers**

(1) A person, other than a person acting under section 67 or 87, must not mark a ballot paper other than a ballot paper issued to the person.

Maximum penalty:    400 penalty units or imprisonment for 2 years.

(2) An offence against subsection (1) is a regulatory offence.

(3) A person acting under section 67 or 87 must not mark a ballot paper other than in accordance with the voter's instructions.

Maximum penalty:    400 penalty units or imprisonment for 2 years.

(4) A person acting under section 67 or 87 must not cause an officer to mark a ballot paper other than in accordance with the instructions of the voter.

Maximum penalty:    400 penalty units or imprisonment for 2 years.

### **283    Other offences relating to ballot papers and ballot boxes**

(1) A person must not fraudulently place a ballot paper or other paper in a ballot box.

Maximum penalty:    100 penalty units or imprisonment for 6 months.

(2) A person must not fraudulently take a ballot paper out of a voting centre or scrutiny centre.

Maximum penalty:    200 penalty units or imprisonment for 2 years.

(3) A person must not destroy, take or interfere with a ballot paper or ballot box unless authorised to do so for this Act.

Maximum penalty:    800 penalty units or imprisonment for 4 years.

(4) A person, other than an officer acting under this Act, must not open a ballot box.

Maximum penalty:    800 penalty units or imprisonment for 4 years.

## **284 Forgery**

A person must not forge an electoral paper.

Maximum penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units.

## **Subdivision 5 Other offences relating to electoral papers**

### **285 Offences relating to postal ballot papers**

(1) A person must not unlawfully induce or persuade a person to apply for a postal ballot paper.

Maximum penalty:

If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units.

(2) A person, other than an authorised officer for the division for which a postal ballot paper has been issued, must not open a declaration envelope in which a postal ballot paper has been placed under section 67(4) or (5).

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(3) An offence against subsection (2) is a regulatory offence.

(4) A person must not receive or take possession of a postal ballot paper other than in accordance with this Act.

Maximum penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units.

(5) An offence against subsection (4) is a regulatory offence.

### **286 Opening envelopes containing declaration votes**

A person must not open an envelope that appears to contain a completed declaration ballot paper unless authorised to do so for this Act.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

### **287 False or misleading statements**

(1) A person must not, in an electoral paper, make a statement that is false or misleading in a material particular.

Maximum penalty: If the offender is a natural person – 100 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 500 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if it is established the defendant did not know, and could not reasonably be expected to have known, that the relevant statement was false or misleading in a material particular.

(3) It is enough for a complaint against a person for an offence against subsection (1) to state the statement was, without specifying which, "false or misleading" to the person's knowledge.

### **288 Defacement etc. of electoral papers**

A person must not fraudulently deface, remove, mutilate or destroy an electoral paper unless authorised to do so under this Act.

Maximum penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units.

### **289 Signatures**

(1) If a person is required by this Act to sign an electoral paper, the person must sign it with his or her personal signature.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) For subsection (1), if a person is unable to sign his or her name in writing, the person must be taken to have signed an electoral paper if the person makes a mark on the paper by way of signature.

### **290 Duty of witnesses**

A person (the **witness**) must not sign an electoral paper as witness unless:

- (a) the witness is satisfied of the identity of the person signing the document; and
- (b) the witness has seen the person sign the document; and
- (c) either of the following apply:
  - (i) the witness knows the statements contained in the document are true;
  - (ii) the witness is satisfied, on the basis of inquiries of the person, the statements contained in the document are true.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

### **291 Sending completed electoral papers**

(1) A person who accepts an electoral paper for sending to the NTEC must immediately post or deliver it to the NTEC.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(2) An offence against subsection (1) is a regulatory offence.

## **Subdivision 6      Official functions**

### **292    Improper influence of officials**

A person must not do anything improper for the purpose of influencing any of the following in the exercise or performance of the person's powers or functions under this Act:

- (a) the Commission;
- (b) a member of the Redistribution Committee or Augmented Redistribution Committee;
- (c) the Commissioner or an officer.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

### **293    Identification of voters and votes**

(1) An officer must not make a mark on a ballot paper that would be likely to enable the identification, directly or indirectly, of the person who votes on the ballot paper.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) An officer or scrutineer must not, directly or indirectly, disclose any information acquired in the exercise of functions under this Act that would be likely to enable it to be known how an identified voter has voted.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(3) In subsection (2):

**officer** includes a person who has been, but is no longer, an officer.

**scrutineer** includes a person who has been, but is no longer, a scrutineer.

### **294    Responses to official questions**

(1) A person must not, in answer to an official question, make a statement that is false or misleading in a material particular.

Maximum penalty: 20 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if it is established that the defendant did not know, and could not reasonably be expected to have known, that the relevant statement was false or misleading in a material particular.

(3) It is enough for a complaint against a person for an offence against subsection (1) to state the statement was, without specifying which, "false or misleading" to the person's knowledge.

## **295 Control of behaviour at voting centres and scrutiny centres**

(1) A person must not enter or remain in a voting centre or scrutiny centre except with the permission, express or implied, of the officer in charge of the place or centre.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) An offence against subsection (1) is a regulatory offence.

(3) Subsection (1) does not apply to:

- (a) an officer; or
- (b) a scrutineer unless the scrutineer is, under section 47(5), no longer entitled to be at the voting centre or scrutiny centre; or
- (c) for a voting centre – a person voting or about to vote.

(4) A person must not disrupt an activity being carried out under this Act at a voting centre or scrutiny centre.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(5) If an authorised officer at a voting centre or scrutiny centre reasonably believes a person's conduct is likely to disrupt an activity being carried out under this Act at the place or centre, the officer may direct the person to leave and stay away from the place or centre.

(6) The person must not, without reasonable excuse, disobey the direction.

Maximum penalty: 100 penalty units.

(7) A person who does not comply with the direction may be removed from the place by a police officer.

(8) A scrutineer must not, without reasonable excuse, communicate with any person in a voting centre other than in the exercise of the scrutineer's functions.

Maximum penalty: 20 penalty units.

(9) A scrutineer must not, without reasonable excuse, interfere with or attempt to influence a voter at a voting centre.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

**Criminal Code Act - Election Offences****PART IV – Offences against the administration of law and justice and against public authority****Division 3 Corrupt and improper practices at elections****87 Undue influence**

Any person who:

- (a) uses or threatens to use any force or restraint, or does or threatens to do any temporal or spiritual injury, or causes or threatens to cause any detriment of any kind, to an elector in order to induce him to vote in a particular manner or to refrain from voting at an election or on account of his having voted at an election; or
- (b) by force or fraud prevents or obstructs the free exercise of the franchise of an elector, or by any such means compels or induces an elector to vote in a particular manner or to refrain from voting at an election,

is guilty of a crime and is liable to imprisonment for 3 years.

**88 Bribery**

Any person who:

- (a) gives, confers or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon or for any person any property or benefit of any kind on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at an election in the capacity of an elector or in order to induce any person to endeavour to procure the return of any person at an election, or the vote of any elector at an election;
- (b) being an elector, asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him at an election in the capacity of an elector;
- (c) asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of a promise made by him or any other person to endeavour to procure the return of any person at an election, or the vote of any person at an election; or
- (d) advances or pays any money to or for the benefit of any other person with the intent that such money shall be applied for any of the purposes mentioned in paragraph (a), (b) or (c), or in discharge or repayment of money wholly or in part applied for any such purpose,

is guilty of a crime and is liable to imprisonment for 3 years.

## 89 Further penalty for corrupt practices

- (1) Any person found guilty of any of the crimes defined by section 87 or 88 with respect to an election of the Legislative Assembly becomes incapable for 3 years from the date of the finding of guilt of voting at any such election or of holding any judicial office and, if he holds any such office, the office is vacated.
- (2) He also becomes incapable for the like period of being elected to or of sitting in the Legislative Assembly; and, if at the time of the finding of guilt he is a member of it, his seat is vacated.
- (3) Any person found guilty of such a crime committed with respect to a local government election becomes incapable, for 2 years from the date of the finding of guilt, of holding any local government office and, if he holds any such office, the office is vacated.

## 90 Illegal practices

Any person who:

- (a) being prohibited by law from voting at an election and knowing that he is so prohibited votes at the election;
  - (b) procures any person who is, and whom he knows to be, prohibited from voting at an election to vote at the election;
  - (c) before or during an election, and for the purpose of promoting or procuring the choice of any candidate at the election, knowingly publishes a false statement of the withdrawal of another candidate at the election;
  - (d) before or during an election, and for the purpose of affecting the return of a candidate at the election, knowingly publishes a false statement of fact respecting the personal character or conduct of the candidate;
  - (e) being a candidate at an election withdraws from being a candidate in consideration of a payment or promise of payment; or
  - (f) being a candidate or the agent of a candidate at an election corruptly procures any other person to withdraw from being a candidate at the election in consideration of any payment or promise of payment,
- is guilty of a crime and is liable to imprisonment for 3 years.

## 91 Placing false ballot-papers in ballot-boxes

Any person who places in a ballot-box a ballot-paper that has not been lawfully handed to and marked by an elector is guilty of a crime and is liable to imprisonment for 7 years.

### IMPORTANT INFORMATION

The Northern Territory Electoral Commission is an impartial electoral authority and acts independently.

Prospective candidates can contact the NTEC direct for confidential advice on nomination and other election related procedures.

For further information call **1800 MYVOTE**

## NORTHERN TERRITORY ELECTORAL COMMISSION

**Darwin:** Level 3, TCG Centre, 80 Mitchell Street | GPO Box 2419, Darwin NT 0801

**Alice Springs:** MyVote Central, Yeperenye Centre, Hartley Street | PO Box 2304, Alice Springs NT 0871

**Website:** [ntec.nt.gov.au](http://ntec.nt.gov.au) | **Email:** [ntec@nt.gov.au](mailto:ntec@nt.gov.au) | **Phone:** 1800 MYVOTE | **Fax:** 08 8999 7630