

CANDIDATE **HANDBOOK**

Information for candidates about their responsibilities and requirements for Legislative Assembly elections in the Northern Territory.



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Please note

- The handbook has been developed as a guide only and is intended to assist candidates standing in Territory election, the handbook is not a substitute for the law.
- Information can change from time to time, the NTEC website is the best source of up to date information.
- The terms 'voters' and 'electors' are used interchangeably throughout the handbook.
- The terms 'candidate' and 'nominee' are used interchangeably throughout the handbook.



This icon is used throughout the handbook to signify legislation relevant to the provided content.

INTRODUCTION

Candidates and their supporters play a vital role in the democratic process. It is important for potential candidates to understand the nomination process and their responsibilities under electoral laws in the Northern Territory.

The candidate handbook gathers information about the electoral process that potential candidates need to know for Territory election.

The handbook aims to help candidates with the nomination process, financial disclosure requirements, campaigning, scrutineers and the voting, counting and results process.

Whether you have prior experience as a candidate, are a first time candidate or assisting someone to stand as candidate, the handbook provides important information regarding election processes and procedures.



Candidate checklist

Review the below checklist to ensure you are ready to participate as a candidate in Territory elections.

| | |
|--|---------------|
| I am aware of the key dates for the election | Page 7 |
| I have lodged my completed nomination form and paid the deposit before the close of nominations | Page 9 |
| I have checked with the NTEC that my nomination was received before the close of nominations | Page 9 |
| I am aware of my responsibilities regarding campaign material and authorisations | Pages 15-18 |
| I have appointed scrutineers (optional) by completing and signing the required forms | Page 20 |
| I have appointed a reporting agent by completing and submitting the required forms or will assume this responsibility myself | Page 22 |
| I am aware of the financial disclosure returns dates for the election | Page 7 |
| I am aware of the stages involved in the voting, counting and results process | Pages 25 - 31 |
| I am aware of the relevant electoral offences | Pages 32 - 34 |

ABOUT

THE NORTHERN TERRITORY ELECTORAL COMMISSION

The Northern Territory Electoral Commission (NTEC) is an independent government agency responsible for the conduct of Legislative Assembly and local government elections in the Northern Territory.

Legislative Assembly elections are conducted in accordance with the *Electoral Act 2004* and Electoral Regulations 2004.

The NTEC has responsibilities across an election event including (but not limited to):

- the nomination process
- the declaration of candidates process
- election communications
- delivery of voting services
- counting votes
- declaration of results
- financial disclosure.

Contact us

- **Phone:** 1800 698 683
- **Email:** nominations.ntec@nt.gov.au
- **Office:** Level 3, TCG Centre, 80 Mitchell Street, Darwin
- **Post:** GPO Box 2419, Darwin, Northern Territory 0801

8:00 am to 4:30 pm between Monday to Friday

Please note the office is closed on public holidays.

More information

- **Handbooks:**
 - Scrutineer handbook
 - Political party handbook
 - Financial disclosure handbook
- **Website:** www.ntec.nt.gov.au

THE WRIT

The writ: The writ authorises the NTEC to conduct the election in accordance with the *Electoral Act 2004*.

The writ triggers the election process and provides the opportunity for potential candidates to nominate. The writ is the legal document necessary for the official timetable and process for the election to begin.

The election period starts on the date the writ for the election is issued and ends the date the writ is returned to the Administrator.

Issue of the writ: The Administrator of the Northern Territory issues a writ for Legislative Assembly elections. On receiving the writ, the NT Electoral Commissioner must endorse the date of its receipt and give public notice of its issue and details of the dates relating to the election.



Schedule 1 of the *Electoral Act 2004* sets out the form of the writ.

Dates fixed in the writ: The nomination day must be 7 days after the date of the issue of the writ and the election must be 23 days after the date of the issue of the writ.

Close of rolls: The electoral roll closes at 5pm one day after the date of the issue of the writ for an election.

Close of nominations: The writ states that nominations must close 7 days after the date of the issue of the writ. Nomination forms must be lodged with the NTEC after the close of roll date for the election and before 12 noon on the day nominations close.

Declaration of nominations: As soon as practicable after 12 noon on the day nominations close, NTEC must declare the candidates for the election. A draw for positions on the ballot paper takes place after the declaration of nominations.

Election day: Election day must be 23 days after the date of the issue of the writ.

Declaration of results and return of the writ: The NTEC must, after declaring the elected candidate for each division, endorse the writ for the election, and include the name each elected candidate, and return the writ to the Administrator.



Part 5, Division 2 of the *Electoral Act 2004* sets out the timing and arrangements for elections including writs for elections.

PART 1

NOMINATING

This section explains the nomination process, including:

- information about who is qualified to nominate
- important information about the timing of nominations.

HOW TO NOMINATE TO BE A CANDIDATE?

Nominations open one day after the issue of the writ.

Nominations close 12 noon, 7 days after the issue of the writ.

You are encouraged to lodge your nomination as early as possible.

To nominate as a candidate you must complete the following steps:

1. Check you are eligible to nominate

To be eligible to be a candidate in Territory elections, at the date of nomination you must be:

- an Australian citizen
- 18 years of age or older
- entitled, or qualified to become entitled, to vote at Legislative Assembly elections at the close of roll for the election you wish to contest
- a resident within the Commonwealth for at least 6 months and within the Northern Territory for at least 3 months.

2. Complete the relevant nomination form

Nomination forms for both party candidates and independent candidates are on the NTEC website: www.ntec.nt.gov.au

3. Lodge your completed nomination form and pay the deposit

Each nomination must be accompanied by a \$500 nomination deposit (for each endorsed candidate) and a recent photograph of each candidate.

You can lodge and pay your nomination in person at the NTEC office in Darwin, over the telephone with the NTEC, or on the NTEC website: www.ntec.nt.gov.au

4. Confirm your nomination has been received by the NTEC

You must contact the NTEC to ensure your nomination was received, is correct and that payment has been received.

A nomination will only be accepted if it is completed and submitted correctly within the required timeframe. This includes the payment of the nomination deposit, funds must be received (cleared) by the NTEC before a nomination can be accepted.

Party candidates of a registered party

If a person is nominated as a party candidate of a registered party for the division, the registered officer of the party must nominate the person.

Only one person may be nominated as the party candidate for a registered party for each division for the election, this does not prevent a change of nomination.



Section 31(3) of the *Electoral Act 2004*.

Independent candidates

If a person is not nominated as a party candidate of a registered party, the person must be nominated by 6 electors entitled to vote at the election in the division they are nominating for.



Section 32 of the *Electoral Act 2004*.

Nominee photograph

Candidate nominations must include a photo of the nominee, meeting the following standards:

- black and white, full faced vertical portrait of the nominee's head and shoulders
- has been taken within 6 months before lodgement
- has been endorsed and certified on the reverse by the nominee.

GROUNDS FOR REJECTING A NOMINATION

The NTEC may reject a nomination for the following reasons:

- the nomination does not meet the requirements detailed in the nomination form
- the nominee is not enrolled or entitled to be enrolled at the close of roll date for the election
- the name of the nominee is not the same name the nominee is enrolled as or is entitled to be enrolled as
- the name of the nominee is obscene, frivolous or has been assumed for a political purpose.

The NTEC will give the nominee written notice of the rejection, the reason/s and the nominee's right to dispute the validity of the election.



Section 36 of the *Electoral Act 2004*.

DISQUALIFICATION OF A NOMINATION

You are not qualified to be a candidate for Territory elections, if at the date of nomination you:

- hold an office or appointment (other than a prescribed office or appointment) under a law of the Commonwealth (including the *Northern Territory (Self Government) Act 1978*) or a law of a state or territory
- are employed by the Commonwealth, by a state, a territory or by a body corporate established for a public purpose by such law and are entitled to any remuneration or allowance (other than expenses reasonably incurred) in respect of that office, appointment or employment
- are an undischarged bankrupt
- have been convicted and are currently under a sentence of imprisonment for one year or longer for an offence against the law of the Commonwealth or of a state or territory.

If you are not sure if you are eligible to nominate as a candidate, you should seek independent legal advice. It is the candidate's responsibility to ensure they meet the eligibility requirements.



Sections 20 and 21 of the *Northern Territory (Self-Government) Act 1978 (Cth)* detail the qualifications and disqualifications of candidates for election as members of the Legislative Assembly. In addition, Part 8, Division 3 of the *Electoral Act 2004* provides details of the nomination process.

The validity of an election may be disputed on application to the Court of Disputed Returns regarding eligibility of a person to be nominated as a candidate.

It is an offence if a person makes a statement on their nomination form that is false or misleading in a material particular.



Section 287 of the *Electoral Act 2004*.

REFUND OF THE NOMINATION DEPOSIT

Your nomination deposit will be refunded if:

- you are elected
- you receive more than 20% of the total number of first preference votes of the elected candidate
- you or your party give written notice withdrawing your nomination
- the election fails.

Candidates entitled to a refund must ensure that they do not close their bank account before receiving the refund.



Section 39 of the *Electoral Act 2004*.

WITHDRAWING YOUR NOMINATION

You can withdraw your nomination for Territory elections by completing the withdrawal form provided on the NTEC website: www.ntec.nt.gov.au

The completed form must be received before 12 noon on the day nominations close. If you are part of a political party, party's registered officer can do this on your behalf.

You can lodge your withdrawal in person at the NTEC office in Darwin or by email: nominations.ntec@nt.gov.au

Please confirm with the NTEC that your withdrawal has been received if lodged via email.



Section 35 of the *Electoral Act 2004*.

DEATH OF A CANDIDATE

If a candidate passes away on or before election day, the election is considered failed. When an election is considered failed, the Administrator schedules a new election by issuing a new writ for an election.



Section 135 of the *Electoral Act 2004*.

PUBLIC SECTOR EMPLOYEES WANTING TO NOMINATE

The Office of the Commissioner for Public Employment (OCPE) in the Northern Territory has information for public sector employees who wish to contest federal, territory or local government elections. A public sector employee considering nominating as a candidate should review the OCPE procedures for public sector employees contesting elections provided on the OCPE website: www.ocpe.nt.gov.au

DECLARATION OF NOMINATIONS

As soon as practicable after 12 noon on day nominations close, the NTEC will declare all candidates for the Territory election by announcing their names and if endorsed by a registered political party the name of the party.

The declaration will occur at an NTEC office or a place chosen by the NTEC and will be announced in a Gazette. For a general election, there may be a declaration in Alice Springs for the 5 Central Australian divisions with the remaining 20 divisions declared in Darwin. Anyone can attend this event and the media will be invited to attend.

If only one candidate is declared for a division, the NTEC will declare the candidate as elected for the division.

ORDER OF CANDIDATE NAMES ON BALLOT PAPERS

After candidates have been declared for each division, the NTEC will determine the order that candidates will appear on the ballot paper for each division.

The draw will be by random selection in public and occur at the same location as the declaration.

BALLOT PAPER DETAILS

Ballot papers used in an election must be in the form prescribed in the Electoral Regulations 2004 and includes:

- the name of the candidates for the division and order of appearance
- a photograph of each candidate adjacent to the candidate's name
- a printed box adjacent to the candidate's photograph
- for a party candidate the name of the registered party endorsing the candidate, or for other candidates the word 'Independent' (if appropriate).

NORTHERN TERRITORY OF AUSTRALIA
Electoral Act 2004
BALLOT PAPER

ELECTION OF ONE MEMBER OF THE LEGISLATIVE ASSEMBLY FOR
THE DIVISION OF *[name of division]*

Number the boxes 1 to *[number of candidates]* in the order of your choice.
Remember, number *every* box to make your vote count.

CANDIDATES

| | | | |
|--------------------------|--------------------------------|----------------------------|---|
| <input type="checkbox"/> | <i>photograph of candidate</i> | <i>[name of candidate]</i> | <i>[name of registered party endorsing candidate or "Independent" if appropriate]</i> |
| <input type="checkbox"/> | <i>photograph of candidate</i> | <i>[name of candidate]</i> | <i>[name of registered party endorsing candidate or "Independent" if appropriate]</i> |
| <input type="checkbox"/> | <i>photograph of candidate</i> | <i>[name of candidate]</i> | <i>[name of registered party endorsing candidate or "Independent" if appropriate]</i> |

Ballot paper schedule, Regulation 4,
Electoral Regulations 2004

A first name can be stated on a ballot paper as an initial standing for the name or commonly accepted variation of the name including, abbreviation, truncation or alternative form.



Section 40 of the *Electoral Act 2004* details ballot paper requirements.

RELEASE OF CANDIDATE INFORMATION

After candidates have been declared, the NTEC will publish all candidate information which has been approved for public release on the NTEC website: www.ntec.nt.gov.au

The candidate information published on the NTEC website includes:

- first and last name (as per the ballot paper)
- phone number
- email address
- website address
- social media pages

You must provide this information on your nomination form. Your phone number, email, website and social media pages will only be published on the NTEC website with your consent or where required by law.

The NTEC does not publish candidate biographical information or policies.

PART 2

CAMPAIGNING AND ADVERTISING

This section explains the rules around campaigning and advertising during an election.

WHAT IS ELECTION CAMPAIGNING AND ADVERTISING?

To protect the integrity of elections, laws regulate campaign material and activities.

Campaign material is defined as 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, including (but not limited to):

- electoral advertisements
- printed documents including handouts, pamphlets, and how-to-vote cards that are distributed to inform voters about candidates and their policies
- electronic messages sent via phone or broadcast through electronic means that convey electoral content
- printed or online content containing electoral content that is available to the public.

Campaigning activity involves actions such as:

- canvassing for votes: actively seeking the support of potential voter
- soliciting votes: asking individuals to vote in favour of a particular candidate
- persuading individuals: encouraging people not to vote for a specific candidate
- displaying election-related notices or signs: putting up signs or notices about the election
- broadcasting content that can be heard by the public using sound amplification tools such as loudspeakers, public address systems, or similar devices.



Section 268 of the *Electoral Act 2004* defines campaign material.

WHAT ARE THE RULES FOR CAMPAIGNING AND ADVERTISING?

A person must not publish or distribute any campaign material that is untrue or is likely to mislead a voter, deceive a voter or improperly interfere with a voter casting a vote.

Authorisation of campaign material

Printed and electronic campaign and advertising material, must have an authorisation statement in a sufficient font size to be read by the intended audience, containing:

- the name and address of the person authorising the advertisement
- if a printed document, the name and address of the printing company
- if the material is double sided, the authorisation and print company must be on both sides
- the source of the funding for that material, whether a political party, candidate, associated entity, third party campaigner or otherwise.

Additional rules and considerations include:

- letters to the editor of a newspaper should include the name and address of the author
- for push-polling, the person authorising it must clearly state their name and address to the receiver of the call or the person in a meeting
- television advertising and videos (e.g YouTube) must have the authorisation statement announced and shown at the end of the advertisement
- radio, podcast and other audio advertising must have the authorisation statement announced at the end of the advertisement
- broadcasting and televising of election advertisements are prohibited from midnight on the Wednesday immediately before election day until 6pm on election day
- social media content must be authorised. This can be done for a page through an authorisation statement on the page biography/information or pinning a post at the top of the profile. If an image posted on the page can be separated from its original authorisation and still remain a clear election advertisement then it must have the complete authorisation embedded in the image
- campaign websites must be authorised
- candidates and political parties should adhere to local government, Power and Water Corporation and Department of Infrastructure, Planning and Logistics policies and by-laws when placing campaign material, and ask for permission from building and property owners before putting up signage.

The following materials do not require authorisation: T-shirt, button, badge, pen, pencil or balloons.



Section 270 of the *Electoral Act 2004* details the penalty for offences relating to campaign material.

CAMPAIGNING NEAR VOTING CENTRES

During voting hours, campaigning activities are not allowed within:

- 10 meters of the entrance to an early voting centre
- 100 metres of the entrance to an election day voting centre.

On election day, there may be designated campaign areas within the 100 metre prohibition zone:

- these areas allow limited campaign activity and each registered candidate can have up to 3 campaign workers in the designated area
- activities allowed in the designated campaign area include canvassing for votes, soliciting votes, and handing out campaign material
- the designated campaign area should be accessible to voters but avoidable by those who do not wish to engage with campaigners.

The NTEC will provide written notice to registered parties and independent candidates about any designated campaign areas for the election. Prior to election day, questions about designated campaign areas should be directed to the NTEC. On election day, campaign workers should direct any questions to the voting centre manager.

Maps will be displayed at election day voting centres clearly showing the boundaries of the designated campaign areas.



Section 275 of the *Electoral Act 2004* details the campaigning activities near voting centres.

ESAFETY

The eSafety Commissioner (eSafety) is Australia's independent regulator for online safety.

eSafety can help people experiencing online bullying or abuse to take action or make a complaint. eSafety also help by offering online safety training, presentations and workshops, research insights and a wealth of information.

Adult cyber abuse is when someone sends seriously harmful content to a person who is 18 or older, or posts or shares harmful content about them, using an online or electronic service or platform. It can include posts, comments, emails, messages, chats, livestreams, memes, images and videos.

If someone is just being rude, annoying or upsetting or you do not like their opinions, you can use simple strategies such as changing the settings on your device or online account to limit contact with them.

However, if the content is seriously harmful you should send a complaint to the service or platform that was used to send, post or share it.

You can find reporting links for common services and platforms in the eSafety Guide. Also, you can follow eSafety's tips about how to manage the impacts of adult cyber abuse.

For more information go to the eSafety website: www.esafety.gov.au

PART 3

SCRUTINEERS

This section explains the role and significance of appointing scrutineers, the process of appointing them, and the rights and responsibilities that scrutineers hold.

WHAT IS THE ROLE OF A SCRUTINEER?

Scrutineers for candidates and parties play an important role in maintaining the integrity of the election process. As a scrutineer you can observe the conduct of the election, including the counting of votes, and provide assurance that everyone has followed the electoral rules and procedures.

OPPORTUNITIES TO SCRUTINEER

Scrutineers can observe the following during the voting and counting period:

- sealing of ballot boxes at the start or end of voting
- voting at early voting centres, remote voting centres and election day voting centres (this does not include viewing how voters cast their vote)
- voting centre staff asking voters their name, enrolled address and whether they have voted before in the election
- the voting centre manager providing voter assistance
- election night counts at voting centres and scrutiny centres
- the fresh scrutiny (check) on Monday after election day at a scrutiny centre
- final admittance and rejection of declaration votes at a scrutiny centre
- admittance and rejection of postal votes at a scrutiny centre
- final count and distribution of preferences at a scrutiny centre
- recounts (if any) at a scrutiny centre, recounts can occur before or after the final count.

HOW IS A SCRUTINEER APPOINTED?

Candidates can appoint scrutineers to represent them during the voting and counting period.

Each candidate may appoint the following at any time:

- voting period: one scrutineer per voting centre
- counting period: one scrutineer per count table per centre.

Scrutineer appointment forms are available at the NTEC office and on the NTEC website: www.ntec.nt.gov.au

Scrutineers must present their appointment forms before entering a voting or counting centre.

Scrutineers are obligated to sign a form confirming that they will not attempt to influence voters or reveal confidential information about a voter's choice.

SCRUTINEERS RAISING OBJECTIONS OR QUESTIONS

If a scrutineer wishes to raise objections or question procedures during the voting or counting period, they should approach the voting centre manager. All objections will be officially recorded.

If a scrutineer objects to the validity of a ballot paper, it will be set aside for the count supervisor to examine. Following the determination, the ballot paper will be marked as either 'admitted' or 'rejected' and it will be sorted accordingly.

It is important to note that all decisions concerning the formality of ballot papers will be reviewed during the fresh scrutiny check. All ballot papers counted on election day are counted again on the Monday after election day. Scrutineers can attend the check count (fresh scrutiny), with one scrutineer allowed per count table.

RIGHTS AND RESPONSIBILITIES OF SCRUTINEERS

Scrutineers have specific rights and responsibilities:

- scrutineers must be present for the scrutineer briefing provided before counting commences

- scrutineers will receive a name tag and a vest that they must wear while they are inside a voting centre or counting centre. If they leave the voting centre, both the name tag and vest must be returned
- scrutineers are permitted to leave and re-enter a voting or counting centre
- scrutineers can be replaced by another duly appointed scrutineer.

Scrutineers must not:

- touch ballot papers
- interact with voters
- attempt to influence or interfere with any voter
- disclose any information about an individual's vote
- wear attire or items promoting a candidate or political party in a voting centre
- display or leave campaign materials in a voting centre
- engage in communication with anyone in a voting centre, except when performing their scrutineer duties
- assist in the clearing of voting screens or the removal of materials from the voting centre
- interfere in any way with the counting process.

SCRUTINEER HANDBOOK

For more information about the role and responsibilities of scrutineers please review the scrutineer handbook available on the NTEC website: www.ntec.nt.gov.au

PART 4

FINANCIAL DISCLOSURE

This section explains the financial disclosure obligations for candidates.

WHEN DO FINANCIAL DISCLOSURE OBLIGATIONS COMMENCE FOR CANDIDATES?

A person has financial disclosure obligations for an election if they have either:

- publicly announced that they will be a candidate for the election
- been selected, or have won party endorsement by a registered party to be a candidate in the election
- submitted a candidate nomination, and the NTEC has publically declared them to be a candidate after the close of nominations
- contested the last general election or an election since the last general election.

FINANCIAL DISCLOSURE OBLIGATIONS

Financial disclosure reporting arrangements differ depending on whether a candidate is independent or endorsed by a registered party.

- **Independent candidates** must submit gift and expenditure returns, or may appoint a reporting agent for financial disclosure by nominating that person in writing to the NTEC. Approved return forms are located on the NTEC website.
- **Endorsed candidates** must fulfil financial disclosure reporting requirements through their party's reporting agent. Candidates should communicate with their party for guidance on fulfilling these obligations.

Resources to assist you are available on the NTEC website.

DEATH OR RESIGNATION OF CANDIDATE REPORTING AGENT OF REPORTING AGENT

If a reporting agent of a candidate dies or resigns, the candidate must give the NTEC written notice of the death or resignation.

TERRITORY CAMPAIGN ACCOUNT

All election expenditure must be paid from a Territory Campaign Account (TCA), and any gifts used for electoral purposes must be transferred directly into the TCA as soon as practicable.

- **Independent candidates** must have a TCA for electoral purposes, this must be with an authorised deposit-taking institution.
- **Endorsed candidates** must use the TCA of the registered party.

GIFTS (DONATIONS)

A gift is when a person or entity gives money, services, expertise, or something else belonging to them, to another without expecting equal value in return. Gifts include monetary transactions and non-monetary transactions, known as gifts in kind.

It is important to note that the terms 'gift' and 'donation' are used interchangeably and carry the same meaning within this context.

- **Independent candidates** must submit electoral gift returns and annual gift returns, including a nil return if no gifts were received during the relevant period.
 - Gifts solely or substantially for a purpose related to an election must be disclosed. A gift to a candidate made privately for the candidate's personal use is not required to be disclosed as a gift. Independent candidates do not need to disclose any personal funds spent on their campaign as gifts.
 - The name and address of donors must be reported for gifts valued at \$200 or more.
- **Endorsed candidates**, reporting agents and/or registered officers of registered parties must submit electoral and annual gift returns on behalf of their endorsed candidates.
 - All gifts received during the reporting period must be disclosed.
 - The name and address of donors must be reported for gifts valued at \$1,500 or more.

LOANS

Loans can be entered into with authorised deposit-taking Institutions (ADI). Loans of \$1,500 or more from a person or entity (other than an ADI) can only be entered into if certain details are recorded.

- **Independent candidates** must maintain a record of loans.
- **Endorsed candidates** should contact their party for further information on loans, the party's reporting agent must report outstanding loans.

ELECTORAL EXPENDITURE

The cap on electoral expenditure applies during the **capped expenditure period**. This period commences from 1 January of the year in which the election is held and ends 30 days after election day (for general elections) OR commences from and including the day of the issue of the writ and ends 30 days after election day (by-elections).

- **Independent candidates** must submit an electoral expenditure return. The cap is 40,000 monetary units per division.
- **Endorsed candidates** must provide electoral expenditure details to their party's reporting agent, who submits an electoral expenditure return and an annual (expenditure) return. The electoral expenditure cap for parties is multiplied by the number of divisions where the party endorses a candidate.

Note: the value of a monetary unit is calculated in line with changes to Darwin's Consumer Price Index and is updated every financial year.

RECORD-KEEPING REQUIREMENTS

Financial records relating to elections must be retained for 4 years.

OFFENCES AND PENALTIES

The NTEC applies a constructive compliance approach to its regulatory activities, providing electoral participants with resources and information to support compliance with their obligations. Where education does not address non-compliance or where the NTEC believes an offence has been committed, the NTEC can undertake a range of compliance actions. A post-election compliance review will be conducted on a sample of candidates, checking for accuracy of returns and compliance with legislative requirements.

Financial disclosure resources detailing obligation are available on the NTEC website: www.ntec.nt.gov.au

PART 5

VOTING

This section explains the voting options and assistance available to voters.

WHAT VOTING SYSTEM IS USED?

All Northern Territory Legislative Assembly elections use a full preferential voting system.

In this system, voters must number every candidate box in order of their choice.

HOW DO I MAKE MY VOTE COUNT?

Voting is compulsory in Northern Territory Legislative Assembly and local government elections.

To make your vote count, follow the instructions on the ballot paper.

Number the boxes in order of your preference:

- 1 is your first choice
- 2 is your next choice
- continue until all boxes are complete.

Fold the ballot paper and put it into the ballot box.






NORTHERN TERRITORY OF AUSTRALIA
Electoral Act 2004

BALLOT PAPER

Election of one Member of the Legislative Assembly
for the Division of

SAMPLE

Number the boxes 1 to 5 in
the order of your choice.
Remember, number every box to make your vote count.

| | | |
|---|---|-----------------------------------|
| 3 |  | C CANDIDATE Party A |
| 2 |  | A CANDIDATE Party C |
| 1 |  | G CANDIDATE Independent |
| 5 |  | B CANDIDATE Party B |
| 4 |  | R CANDIDATE Independent |

SAMPLE

WHAT VOTING SERVICES ARE AVAILABLE?

The following voting options are available for Territory election:

- **Early voting:** anyone can vote before election day at designated centres.
- **Postal voting:** key dates for postal voting are available on published election timetables. There are 2 ways to receive a postal vote:
 - registering as a general postal voter (GPV). If an elector is registered as a GPV, when any election is announced and ballot papers are printed, they will automatically receive a postal vote.
 - completing a postal vote application via the NTEC website, visiting the NTEC office or by contacting the NTEC.
- **Remote/urban mobile voting:** available for remote areas, hospitals and correctional centres, starting 11 days after the writ is issued until 6pm on election day. Postal voting services may be provided to some organisations instead of mobile voting on request of the organisation.
- **Election day voting centres:** open from 8am to 6pm in locations in major centres.
- **Absent voting:** if an elector votes outside their electorate, it is considered an absent vote and is counted after election day.
- **Declaration voting:** if a person can not be found on the electoral roll, they can complete a declaration vote. Declaration votes will be reviewed post election day to ensure the person is eligible to enrol to vote.

Once confirmed all voting information will be available on the NTEC website:

www.ntec.nt.gov.au

WHAT ASSISTANCE IS AVAILABLE TO VOTERS?

Staff can help if a person needs assistance when voting at a voting centre.

Staff may read and explain the ballot paper instructions and can place the ballot paper in the ballot box. A voter may nominate anyone to help them vote.

A voting centre manager can complete the ballot paper according to a voters instructions.

Electors with mobility issues who are unable to access a voting centre, are able to vote from their car. A voting centre manager will facilitate this process upon request. Scrutineers, if available will be invited to witness any assistance provided to a voter by a voting centre manager. In the absence of a scrutineer, two authorised officers will assist the voter.

PART 6

COUNTING AND RESULTS

This section explains formal and informal ballot papers and how votes are counted.

WHAT MAKES A BALLOT PAPER FORMAL?

For a ballot paper to be formal:

- the voter's first choice (or preference) must be clear
- a first choice can be indicated by a number one (1), a tick (✓) or a cross (✗)
- the first choice is followed by the voter's (sequential) order of choice of each remaining candidate.

Additionally:

- if the voter's last choice is a blank square, it does not make the ballot paper informal
- changes to numbers, numbers written outside the squares or drawings and messages, do not make the ballot paper informal – provided it is otherwise marked correctly
- if the voter's intention is clear, the ballot paper should be counted.

A ballot paper is informal if:

- it is totally blank
- there is no number one (1), a tick (✓) or a cross (✗)
- it has a number one (1), a tick (✓) or a cross (✗) against 2 or more names
- 2 or more squares have been left blank
- a number has been repeated
- writing on the ballot paper identifies the voter.

WHAT IS THE VOTE COUNTING PROCESS?

Election night

Initial count of first preferences

- after voting closes at 6pm, authorised officers open ballot boxes
- ballot papers are removed and unfolded
- ballot papers are then sorted by the candidate who received the voter's first preference (or number 1)
- informal ballot papers are placed in a separate pile and are counted separately.

The first preference results for each candidate and the number of informal ballot papers are posted on the results page of the NTEC website: www.ntec.nt.gov.au

Two-candidate preferred (TCP) count

After the first preference count, referred to an 'interim distribution of preferences' in the *Electoral Act 2004* is conducted, which is also known as a TCP count.

- This means ballot papers are distributed to the 2 candidates who are expected to have the most first preference votes.
- The TCP count is done to provide an early indication of the candidates most likely to be elected, as this is not always clear from first preferences.
- The determination of the TCP candidates is made by the Electoral Commissioner before election day and is based on various factors, including historical voting patterns from past elections.
- In cases when the selected TCP candidates is not correct, the TCP count will still be conducted with the selected candidates but results will not be displayed on the website,

The TCP with the correct candidates will be conducted and published before the fresh scrutiny.

Important: The TCP count has no effect on the final results.

Fresh scrutiny

On the Monday after election day, a fresh scrutiny (referred to a check count in the *Electoral Act 2004*) will take place at the Darwin and Alice Springs scrutiny centres. This will check the initial count and is essentially a full review of the counts conducted on election night.

At a fresh scrutiny:

- all ballot papers counted on election night are reviewed and counted again
- some ballot papers that were initially considered informal on election night may be deemed formal and placed against a candidate
- some ballot papers that were previously considered formal may be deemed informal and excluded from the count
- any mis-sorted ballot papers will be placed to the correct candidate.

Updated results from the fresh scrutiny will be published on the NTEC website.

Counting postal, absent and declaration votes

Voters must complete their postal votes by 6pm on election day. The deadline for the return of postal votes is 12 noon on the second Friday after election day.

Absent votes are exchanged so they can be counted at the relevant scrutiny centre. This exchange being as soon as practicable after election day. Absent votes are often counted on the first Friday after election day, with the second intake of postal votes.

Declaration votes are issued where a voter cannot be found on the electoral roll and where the voter believes they have an entitlement to vote.

Declaration votes are processed first to determine if they can be admitted to the count. Admitted declaration votes are often counted on the first Friday after election day (if ready) or on the second Friday with the final intake of returned postal votes.

A full distribution of preferences cannot be conducted until all postal and declaration votes have been admitted and undergone an initial count and fresh scrutiny.

Distribution of preferences

To be elected, a candidate must receive more than 50 per cent of the total formal votes for their division (i.e. 50% + 1).

Candidates can be elected in 2 ways:

- 1. On first preference votes:** If a candidate receives more than half of the first preference votes, no further counting is required.
- 2. Distribution of preferences:** If no candidate initially achieves more than 50% of the first preference votes, a distribution of preferences is conducted. The candidate with the least formal votes is 'excluded.' Each ballot paper from the excluded candidate is then redistributed to the candidate next in line according to the voter's preferences.

This process continues until one candidate achieves more than 50% of the formal votes, making them the elected candidate.

This means the elected candidate has the support of the majority of voters in the election.



Section 128 of the *Electoral Act 2004* details how the distribution of preference count is conducted.

Recounts

A candidate, can request a recount before the election results are officially declared, but must do so in writing clearly stating the reasons for the recount.

A recount request must identify specific ballot papers and significant counting errors or irregularities that could potentially change the result for an election.

At any time before the declaration of the result of an election, the Electoral Commissioner may direct a recount. This directive can be based on a written request from a candidate or on the initiative of the Electoral Commissioner.

It is important to note that a recount is distinct from a fresh scrutiny which is a 'check count' of votes counted on election night.



Section 130 of the *Electoral Act 2004* describes the recount process.

WHEN WILL RESULTS BE AVAILABLE?

As soon as practicable after the results are available, they will be made public. Results are updated (and time/date stamped) throughout the various stages of the count process on the NTEC website: www.ntec.nt.gov.au

The NTEC makes a public declaration of election results on the Monday following the distribution of references.

DISPUTED ELECTIONS

A person may dispute the validity of an election only by submitting an application after the result of the election is declared. An application must be made no later than 21 days after the day fixed for the return of the writ.

The following persons are entitled to dispute the validity of an election:

- a candidate in an election
- an elector entitled to vote at the election
- the NTEC
- a person whose nomination as a candidate was rejected by the NTEC.

The validity of an election may be disputed if any of the following matters apply to the election:

- the acceptance or rejection of a nomination of a candidate by the NTEC
- the eligibility of a person to be nominated as a candidate
- any matter connected with the printing or endorsement of ballot papers
- any matter connected with the issue or scrutiny of ballot papers by an officer
- any matter connected to the admission or rejection of declaration votes by an officer.



Part 12, Division 2 of the *Electoral Act 2004* relates to disputed elections.

PART 7

OFFENCES

The table below provides an overview of electoral offences. The table does not cover all electoral offences and only provides a summary of the offence.

Candidates should review the relevant provisions of the Electoral Act 2004 and seek independent legal advice where necessary.

INTERFERING WITH THE ELECTION

| Act | Offence | Applies to | Maximum penalty |
|-------------|---|--------------------------|--|
| Section 264 | Interfering with election right or duty | Person Body corporate | Individual: 400 penalty units or 2 years imprisonment Body corporate: 2000 penalty units |
| Section 265 | Making false statements about entitlement to vote | Person Body corporate | Individual: 200 penalty units or 12 months imprisonment Body corporate: 1000 penalty units |
| Section 266 | Improperly influencing voters | Person Body corporate | Individual: 200 penalty units or 12 months imprisonment Body corporate: 1,000 penalty units |
| Section 267 | Interfering with secrecy of vote | Person | Individual: 200 penalty units or 12 months imprisonment |
| Section 292 | Improperly influencing an official | Person | 400 penalty units or 2 years imprisonment |

CAMPAIGNING MATERIAL

| Act | Offence | Applies to | Maximum penalty |
|-------------|--|--------------------------|--|
| Section 270 | Offences related to campaign material | Person | 100 penalty units |
| Section 271 | Offences relating to push-polling | Person | 100 penalty units |
| Section 273 | Election articles to be signed or state particulars of author | Person Body corporate | Individual: 100 penalty units Body corporate: 500 penalty units |
| Section 275 | Campaigning activities near voting centres | Person | 20 penalty units |
| Section 276 | Wearing or displaying in a voting center a badge, emblem, poster or other thing associated with a political party or candidate | Person | 5 penalty units |
| Section 277 | Exhibition of electoral matter in voting centres | Person | 5 penalty units |
| Section 278 | Publishing or authorising statements regarding candidates | Person Body corporate | Individual: 100 penalty units or 12 months imprisonment Body corporate: 500 penalty units |

VOTING FRAUD AND ELECTORAL PAPERS

| Act | Offence | Applies to | Maximum penalty |
|----------------|--|--------------------------|---|
| Section 281(1) | Supplying a ballot paper without authorisation under the act | Person | 100 penalty units |
| Section 284(1) | Forging an electoral paper | Person Body corporate | Individual: 400 penalty units or 2 years imprisonment Body corporate: 2000 penalty units |

| Act | Offence | Applies to | Maximum penalty |
|----------------|---|--------------------------|--|
| Section 284(2) | Forging the signature of any person on any electoral paper | Person | 400 penalty units or 2 years imprisonment |
| Section 285(1) | Unlawfully inducing or persuading a person to apply for a postal vote | Person Body corporate | Individual: 100 penalty units or 6 months prison Body corporate: 500 penalty units |
| Section 285(4) | Receiving or taking possession of a postal ballot other than in accordance with the act | Person Body corporate | Individual: 400 penalty units or 2 years imprisonment Body corporate: 2,000 penalty units |
| Section 287(1) | Making a statement in an electoral paper that is false or misleading in a material particular. | Person Body corporate | Individual: 100 penalty units or 6 months imprisonment Body corporate: 500 penalty units |
| Section 288 | Fraudulently defacing, removing, mutilating or destroying an electoral paper unless authorised under the act | Person Body corporate | Individual: 400 penalty units or 2 years imprisonment Body corporate: 2000 penalty units |
| Section 289(1) | If required by the act to sign an electoral paper, person must sign with their personal signature. | Person | 400 penalty units or 2 years imprisonment |
| Section 291 | If accepting an electoral paper for sending to the Commission, it must be immediately posted or delivered to the Commission | Person | 100 penalty units or 6 months imprisonment |
| Section 294 | Making a statement in answer to an official question that is false or misleading in a material particular. | Person | 20 penalty units |

VOTING CENTRES

| Act | Offence | Applies to | Maximum penalty |
|----------------|---|------------|---|
| Section 293(2) | Disclosing information that would enable it to be known how an identified voter has voted | Scrutineer | 400 penalty units or 2 years imprisonment |
| Section 295(1) | Entering or remaining in a voting centre or scrutiny centre without permission of the officer in charge. | Person | 400 penalty units or 2 years imprisonment |
| Section 295(4) | Disrupting an activity being carried out under the act at a voting centre or scrutiny centre. | Person | 400 penalty units or 2 years imprisonment |
| Section 295(6) | Disobeying, without reasonable excuse, a direction from an authorised officer to leave a voting centre or scrutiny centre | Person | 100 penalty units |
| Section 295(8) | Communicating with any person in a voting centre other than in the exercise of the scrutineer's functions. | Scrutineer | 20 penalty units |
| Section 295(9) | Interfering with or attempt to influence a voter at a voting centre. | Scrutineer | 200 penalty units or 12 months imprisonment |

FINANCIAL DISCLOSURE

| Act | Offence | Applies to | Maximum penalty |
|--------------|--|--|---|
| Section 196A | Candidate does not advise a donor about the obligation to make returns | Person | 100 penalty units |
| Section 203C | Breach of expenditure cap | Registered party Associated entity Candidate | Registered party: 1,500 penalty units Associated entity: 1,500 penalty units Candidate: 300 penalty units or 18 months imprisonment or both |

| Act | Offence | Applies to | Maximum penalty |
|----------------|--|--------------------------|---|
| Section 203D | Circumvent expenditure cap | Person Body corporate | Up to 10 years imprisonment |
| Section 213E | Failure to use campaign account in accordance with the Act | Person Body corporate | Individual: 200 penalty units or 12 months imprisonment or both Body corporate: 1,000 penalty units |
| Section 215(1) | Fail to submit return in specified time | Person Body Corporate | Individual: 200 penalty units or 12 months imprisonment or both Body Corporate: 1,000 penalty units Plus NTEC, under section 2 of the Electoral Regulations 2004, can issue an infringement notice up to: Individual: 10 penalty units Body Corporate: 50 penalty units |
| Section 215(2) | Incomplete return | Person Body corporate | Individual: 200 penalty units or 12 months imprisonment Body Corporate: 1,000 penalty units Plus NTEC, under section 2 of the Electoral Regulations 2004, can issue an infringement notice up to: Individual: 10 penalty units Body corporate: 50 penalty units |

| Act | Offence | Applies to | Maximum penalty |
|-----------------|--|--------------------------|---|
| Section 215(2A) | Failure to keep records | Person Body corporate | Individual: 200 penalty units or 12 months imprisonment Body corporate: 1000 penalty units PLUS NTEC, under section 2 of the Electoral Regulations 2004 can issue an infringement notice up to: Individual: 10 penalty units Body corporate: 50 penalty units |
| Section 215(3) | Submit a return that is false or misleading | Person Body Corporate | Individual: 200 penalty units or 12 months Body Corporate: 1,000 penalty units |
| Section 215(4) | Provide another person, who is required to give a return, with false or misleading information | Person Body Corporate | Individual: 200 penalty units or 12 months imprisonment Body Corporate: 1,000 penalty units |
| Section 218(1) | Contravening an investigation notice | Person Body Corporate | Individual: 200 penalty units or 12 months imprisonment Body Corporate: 1,000 penalty units |
| Section 218(2) | Providing false or misleading information in an investigation | Person Body Corporate | Individual: 200 penalty units or 12 months imprisonment Body Corporate: 1,000 penalty units |



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