



**Northern Territory  
Electoral Commission**  
*EVERY vote counts!*

# SCRUTINEER Handbook

## Role and importance of scrutineers

Scrutineers are an important part of the voting and counting process and help to ensure transparency and integrity in these election processes.

As a candidate cannot enter a voting centre (except to cast their vote) and is not allowed to observe the counting of votes of the election in which they are a candidate, they are permitted to appoint scrutineers to represent them during these activities<sup>1</sup>.

Scrutineers can observe the following:

- Sealing of ballot boxes – at the start or end of voting.
- Voting at early voting centres, mobile voting centres and election day voting centres.
- Questioning of issuing officers – elector's name, place of living, whether they have voted before in this election.
- Election night counts – at voting centres and scrutiny centres.
- Fresh scrutiny – Monday after election day at the main 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 (for a single vacancy) – at a scrutiny centre.
- Data entry of ballot papers and final results (for multiple vacancy counts where Easy Count software used) – at a scrutiny centre.
- Recounts – at a scrutiny centre. Recounts can occur before or after the final count.

## Appointment and management of scrutineers

### Appointment forms

Scrutineers must be appointed by the candidate they are representing, and this is done by submitting a completed scrutineer appointment form which must be signed by the candidate<sup>2</sup>.

A separate appointment form is required for each scrutineer for each venue they observe at.

### Submitting appointment forms

Only hardcopy completed and signed scrutineer appointment forms will be accepted.

If a scrutineer would like to observe voting during the day at a voting centre, they should submit their form to the voting centre manager. This can be done at any time on the day, but must be done before scrutineering can begin.

If a scrutineer would like to observe a count taking place at a voting centre, they should submit their form to the voting centre manager at any time during election day but no later than 5:45pm. Doors will be locked for the count at 6pm.

Any scrutineer who has observed voting during the day can also be a scrutineer that evening for the count at the same voting centre and do not need a separate form. As a courtesy, scrutineers intending to scrutineer both during the voting and counting should inform the voting centre manager when submitting their form.

If a scrutineer would like to observe a count taking place at a scrutiny centre (usually early votes, urban/mobile votes and postal votes) they should submit their form to the reception area between 5:30 – 5:45pm. Scrutineers may also need to sign into a scrutiny centre.

As there are multiple opportunities to scrutineer at a scrutiny centre, any completed forms will be held and can be re-used for later visits. This means scrutineers do not need a new form when returning to observe a count held on a different day.

Similarly, scrutineers following the same schedule as a mobile voting team can also re-use forms used on previous days as the forms will be held by the team for the duration of their voting schedule.

1 Section 46(1) of the *Electoral Act 2004* or regulation 15(1) of the Local Government (Electoral) Regulations  
2 Section 46(2) of the *Electoral Act 2004* or regulation 15(2) of the Local Government (Electoral) Regulations

## Scrutineer management

There can only be one scrutineer per candidate observing voting in a voting centre at any one time<sup>3</sup>. Scrutineers can change throughout the day however.

There can only be one scrutineer per table per count<sup>4</sup>. Most voting centres conducting a count will only have one count table, however a scrutiny centre is likely to have multiple counts and therefore multiple tables.

If a voting centre is doing multiple counts (for example 'super booths' that issue votes for multiple divisions/council areas or local government general elections where voting centres may issue votes for multiple wards in one council area), one scrutineer may observe multiple counts, but must have a separate form for each election. This is because each form must be signed by the candidate they are representing for that election.

## Scrutineer briefings

A short scrutineer briefing will be conducted at 15 minutes prior to voting opening. You do not have to attend this session in order to observe voting during the day. A short scrutineer briefing will be also conducted just prior to the first count of the night or day.

A scrutineer briefing session run by the NT Electoral Commission (NTEC) may also be scheduled for the Friday evening before election day. It is highly recommended that scrutineers, especially those new to the process, attend one of these sessions if they are available.

Other resources for scrutineers are also available on the NTEC's website.

## Expected behaviour

### Identification

**All scrutineers must wear a vest** and may be given an identification lanyard while scrutineering whether observing voting or counting. These will be provided by the voting centre manager after receiving a completed scrutineer appointment form.

Scrutineers cannot wear or display a badge, emblem, t-shirt or similar of a candidate or party while inside a voting centre while it is open for voting.

The vest and lanyard should be handed back before exiting a voting centre or scrutiny centre, even if the scrutineer plans to return.

### Code of conduct

There is a code of conduct developed by the NTEC that applies to all candidates, campaign workers and scrutineers in NT elections. This code of conduct stipulates the behaviour that will not be tolerated at elections.

The code of conduct can be found on the NTEC website:

[Code of conduct – Legislative Assembly elections](#)

[Code of conduct – local government elections](#)

<sup>3</sup> Section 47(2) of the *Electoral Act 2004* or regulation 16(2) of the Local Government (Electoral) Regulations

<sup>4</sup> Section 47(4) of the *Electoral Act 2004* or regulation 16(3) of the Local Government (Electoral) Regulations

## Compliance with health and safety protocols

All scrutineers must follow any health and safety protocols that the NTEC has put in place at a voting centre or scrutiny centre.

The current measures that apply to voting centres and scrutiny centres include:

- Voters and election staff to stay at home if unwell.
- Use of hand sanitiser before any contact.
- Encouraging physical distancing of 1.5m.
- Regular cleaning of high contact surfaces.
- Single use or cleaning between use pencils. Electors are welcome to bring their own pen or pencil to use.
- Masks available but not compulsory to wear in the voting centre or scrutiny centre.

## Scrutineering voting

Candidates have the right to appoint a scrutineer to observe voting in any early voting centre, remote mobile voting centre or election day voting centre<sup>5</sup>.

The main duties involved in scrutineering voting are:

- Observing the sealing and unsealing of ballot boxes.
- Observing issuing officers asking the required questions of electors (full name, place of living, have they voted before in this election).
- Objecting to the right of any person to vote.
- Assisting any elector who requests it directly of the scrutineer.

## While scrutineering voting in a voting centre, scrutineers CAN:

- ✓ Be nominated by an elector to assist with the completion of their ballot paper – inside the voting centre. This will need to be observed by the voting centre manager or by someone delegated by the manager.

- ✓ Be asked by the voting centre manager to observe an assisted vote within the voting centre, or outside the voting centre, in particular in a car for a voter who may not be able to leave the car<sup>6</sup>.
- ✓ Object to the right of any person to vote – any objection will be noted however the voting centre manager may still allow the person to vote.
- ✓ Leave the voting or scrutiny centre at any time. Scrutineers must remove their vest and lanyard upon exiting and return them to the voting centre manager or scrutiny centre reception. Scrutineers can return to a voting centre at any time during voting, or be replaced by another scrutineer, but cannot return to a scrutiny centre, as doors are locked for the count.

## While scrutineering voting in a voting centre, scrutineers CANNOT:

- ✗ Use their phone or other electronic device capable of capturing, recording, saving or transmitting images, videos, or information
- ✗ Hand out, show, leave or remove any campaign material
- ✗ Interfere with an elector, or attempt to influence them
- ✗ Communicate with electors, unless nominated to assist or asked to observe the assistance given to an elector
- ✗ Go near the voting screens, unless nominated to assist or asked to observe the assistance given to an elector
- ✗ Reveal anything about how an elector has voted.

<sup>5</sup> Section 47(1) of the *Electoral Act 2004* or regulation 16(1) of the Local Government (Electoral) Regulations

<sup>6</sup> Sections 87(3)(a) and 88(3)(a) of the *Electoral Act 2004* or regulations 50(3) and 51(3) of the Local Government (Electoral) Regulations

## Scrutineering a count

Candidates have the right to appoint a scrutineer to observe counting in a voting centre or scrutiny centre<sup>7</sup>. Ballot papers can only be counted after 6pm on election day.

Candidates can also appoint a scrutineer to observe counting on the Monday after election day (referred to as the 'fresh scrutiny'), the counting of postal votes or declaration votes counts and any re-counts.

The main duties involved in scrutineering a count are:

- Observing the unsealing of ballot boxes.
- Observing the unfolding, sorting and counting of ballot papers.
- Challenging the sorting or placement of a ballot paper to a candidate.
- Challenging the formality of a ballot paper.

### While scrutineering a count, scrutineers CAN:

- ✓ Challenge the formality, sorting or counting of ballot papers (see the sections of this handbook for more information about informality and challenging).
- ✓ Use a phone (or other similar electronic device capable of capturing, recording, saving or transmitting images, videos, or information) to take a photo of the results slip or to phone in or text results, but should step away from the count table to do so.

### While scrutineering a count, scrutineers CANNOT:

- ✗ Handle the ballot papers in any way, including postal vote certificates and declaration envelopes.
- ✗ Assist with the sorting or counting of ballot papers.

- ✗ Unreasonably delay or interfere with the progress of counting the votes.
- ✗ Use a phone (or other similar electronic device capable of capturing, recording, saving or transmitting images, videos, or information) to take a photo or video of any ballot papers or declaration envelopes.

## Scrutineering of postal votes

For a postal vote to be accepted to a count, a correctly completed postal vote certificate must accompany the returned postal vote envelope. A correctly completed postal vote certificate requires:

- The elector's signature (to be checked against the signature registered with their enrolment).
- The date and time the elector completed the postal vote – which must be before 6pm on election day for that election.

A returned postal vote must be rejected if:

- The postal vote certificate has not been signed by the elector.
- The elector's signature does not match the registered signature on their enrolment record.
- The postal vote certificate has no date or time recorded.
- The date or time recorded are after 6pm on election day for that election.
- The postal vote arrives after the deadline to be admitted to the count.
- The ballot paper is outside the envelope.

A preliminary scrutiny of postal votes will mark all returned envelopes as either admitted or rejected. Prior to any counts of postal votes, candidates have the right to appoint a scrutineer to inspect both the rejected postal vote envelopes and challenge the decisions made in the preliminary scrutiny<sup>8</sup>.

<sup>7</sup> Section 47(3) of the *Electoral Act 2004* or regulations 16(2) and 16(4) of the Local Government (Electoral Regulations)

<sup>8</sup> Section 112(1)(b) of the *Electoral Act 2004*

## Scrutineering declaration votes

If an elector cannot be found on the roll, yet declare they are eligible to be enrolled for the division / council / ward having an election, they are still given the opportunity to vote via a declaration vote. After election day, all declaration envelopes are scanned and sent to the Australian Electoral Commission (AEC) who will then immediately enrol or update the enrolment for those electors who are eligible.

The NTEC will then conduct a preliminary declaration scrutiny, and declaration votes will either be admitted to the count or rejected. A declaration vote will be admitted to the count if:

- the elector is found to be enrolled in the correct division / council area / ward; AND
- the elector was not enrolled in a different division / council area / ward in the Northern Territory at the close of roll for that election.

A declaration vote will be rejected from the count if:

- the elector is found to be enrolled in a different Northern Territory division / council area / ward at the close of roll. This means they were not eligible to vote in that election
- the elector is found to not be enrolled (and therefore could not be enrolled by the AEC during their post-election processing).

Just prior to the count of admitted declaration votes (usually the Friday after election day) candidates have the right to appoint a scrutineer to inspect both the admitted and rejected declaration envelopes and challenge the decisions made in the preliminary scrutiny.

## Informality

A ballot paper must be given effect according to the voter's intention so far as the voter's intention is clear<sup>9</sup>.

For all elections and by-elections for the Legislative Assembly and local government in the NT, voters must show a preference for all candidates listed on the ballot paper.

The ballot paper may be counted using full preferential voting system or the proportional representation voting system, but the formality rules are the same for both.

A voter must place the number 1 in the candidate square on the ballot paper for the candidate they choose as their first preference. A single cross (✖) or tick (✓) or the figure one (1) can be taken to be the first preference of a voter.

The voter must then place consecutively increasing whole numbers (starting with the number 2) in the candidate square on the ballot paper for each of the other candidates until a number is placed in all candidate squares.

A ballot paper is formal provided the order of preference for each candidate and the voter's intention is clear. Changes to numbers, numbers written outside the squares, drawings and slogans do not make the ballot paper informal provided the ballot paper is otherwise marked correctly.

Under section 94 of the *Electoral Act 2004* and regulation 57 or the Local Government (Electoral) Regulations 2021, a ballot paper is informal if:

- It is totally blank.
- There is no number 1 or a cross (✖) or a tick (✓).
- The number 1, a cross (✖) or a tick (✓) appear against two or more candidates.
- Two or more squares have been left blank.
- A number has been repeated.
- There is a break in the number sequence e.g. 1, 3, 4.
- Writing on the ballot paper identifies the voter.
- If a ballot paper has a clear first preference and sequential numbering in every candidate square except for one, and the only number missing is the last number in the sequence, the ballot paper is considered formal, as the voter's intention is clear.

<sup>9</sup> Section 94 (5) of *Electoral Act 2004* and regulation 57(7) of the Local Government (Electoral) Regulations

If a ballot paper has a clear first preference and sequential numbering in every candidate square except for one, and the only number missing is the last number in the sequence, but there is some kind of mark in the last candidate's square the ballot paper (even if it does not resemble a number) the ballot paper is considered informal, as the voter's intention for the last square is not clear.

More information about ballot paper formality, including examples, can be found on the NTEC website for [Legislative Assembly elections](#) and [local government elections](#).

## Challenging

Scrutineers have the right to challenge the formality and sorting decisions made by count staff of any ballot paper at a scrutiny<sup>10</sup>. However, it is the duty of the count supervisor (which is the voting centre manager in a voting centre conducting an election night count) to ensure the election results from an election day voting centre or scrutiny centre are delivered in an ordered and timely way.

Challenges on the formality or sorting of ballot papers should be done via the count table supervisor, then escalated to the count manager where necessary.

If the challenge is concerning the formality of a ballot paper, the table supervisor or count manager must decide on the objection by either admitting or rejecting the ballot paper, and write the word 'challenge' followed by 'admitted' or 'rejected' on the back of the ballot paper according to the decision.

A final decision on the admittance or rejection of a ballot paper does not have to be made during initial counts conducted on election night, but can be referred to the fresh scrutiny conducted on the following Monday. A final decision must be made by the completion of the fresh scrutiny.

Any ballot papers referred to the fresh scrutiny should have 'challenge' written on the back and be placed in the informal pile for consideration by the count supervisor of the fresh scrutiny.

If a scrutineer's challenges are considered to not have a serious purpose or value (for example challenging every ballot paper) this will be deemed to unreasonably delay or interfere with the progress of counting the votes and the scrutineer can be asked to leave the voting centre or scrutiny centre.

## Campaigning

Someone acting as a campaign worker outside a voting centre may also act as a scrutineer inside the voting centre (or at scrutiny centre) as long as they submit a completed and signed scrutineer appointment form, and follow the expected behaviour guidelines above.

There are multiple resources about the rules and guidelines for campaigning in NT Elections which can be found here:

### [Information sheets:](#)

- Campaign advertising and authorisation.
- Prohibition of canvassing 10m (Legislative Assembly elections).
- Prohibition of canvassing 100m (local government elections).

### [Forms and handbooks:](#)

- Candidate handbooks.
- Code of conduct.
- Exclusion zone maps.
- Designated campaign area appointment form.

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<sup>10</sup> Section 125(1) of *Electoral Act 2004* and regulation 60 of the Local Government (Electoral) Regulations

## Offences relating to scrutineers

### Legislative Assembly elections

#### 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 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 a scrutiny centre; and
  - (c) for a voting centre – a person voting or about to vote.
- (4) A person must not disrupt an activity being carried out under the Act at the voting centre or scrutiny centre

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

- (5) If an authorised person at a voting centre or scrutiny centre reasonably believes that a person's conduct is likely to disrupt an activity being carried out under the 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.**

### Local government elections

#### 74 Dishonesty

- (2) A person commits an offence if:
- (a) the person makes a misleading statement to an authorised officer in connection with an election; and
  - (b) the person knows the statement is misleading.

**Maximum penalty: 5 penalty units**



**75 Interference with electoral materials**

- (1) a person commits an offence if the person:
- (a) intentionally damages, destroys or interferes with voting papers or other materials prepared for official use in an election; and
  - (b) does not have proper authority to do so.

**Maximum penalty: 50 penalty units**

**76 Duty of those who assist voters**

- (1) a person commits an offence if:
- (a) the person (the assisting person) intentionally assists a person to vote who is unable to vote without assistance; and
  - (b) the assisted person's ballot paper is not marked in accordance with the instructions of the assisted person and the assisting person has knowledge of that result.

**Maximum penalty: 50 penalty units**

**77 Conduct at voting centre**

- (2) A person commits an offence if the person intentionally wears or displays campaign material in a voting centre while the voting centre is open for voting.

**Maximum penalty: 5 penalty units**

- (3) a person commits an offence if:
- (a) the person is at a voting centre; and
  - (b) the authorised officer in charge of the voting centre gives a direction to the person; and
  - (c) the direction relates to the person's conduct; and
  - (d) the person intentionally fails to comply with the direction.

**Maximum penalty: 50 penalty units**