

SCRUTINEER Handbook

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Northern Territory
Electoral Commission

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 an election in which they are a candidate, they are permitted to appoint scrutineers to represent them during these activities¹.

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 by issuing officers – they must ask for elector's name, place of living, and whether they have voted before in this election.
- Election night counts – at voting centres and scrutiny centres.
- Fresh scrutiny – from Monday after election day at the main scrutiny centre.
- Postal votes – processing and final admission and rejection of postal votes.
- Declaration votes – processing and final admission and rejection of declaration votes.
- 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 is 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 candidate².

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

Submitting appointment forms

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

If a scrutineer would like to observe voting at a voting centre, they should submit their form to the voting centre manager. This can be done at any time of the day, but must be done before scrutineering activities 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 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 on election night (usually early votes, mobile votes and possibly 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 across the count period, 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 counts 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 Local Government (Electoral) Regulation 15(1)

2 Section 46(2) of the *Electoral Act 2004* or Local Government (Electoral) Regulation 15(2)

Scrutineer management

There can only be one scrutineer per candidate observing voting in a voting centre at any one time³. Scrutineers can change throughout the day however.

There can only be one scrutineer per table per count⁴. 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 each election.

Scrutineer briefings

A short scrutineer briefing will be conducted approximately 15 minutes prior to voting opening at voting centres by the voting centre manager. 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.

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

Identification

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

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

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.

Scrutineering voting

Candidates have the right to appoint a scrutineer to observe voting in any early voting centre, remote voting centre, urban voting centre or election day voting centre⁵.

The main duties involved in scrutineering voting are:

- Witnessing 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.
- Observing the voting centre manager providing assistance to a voter.

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. A scrutineer cannot *offer* assistance. This assistance is not required to be witnessed.
- ✓ 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 have mobility issues⁶.
- ✓ 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 on election night, as doors are locked for the count.

3 Section 47(2) of the *Electoral Act 2004* or Local Government (Electoral) Regulation 16(2)

4 Section 47(4) of the *Electoral Act 2004* or Local Government (Electoral) Regulation 16(3)

5 Section 47(1) of the *Electoral Act 2004* or Local Government (Electoral) Regulation 16(1)

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

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 assistance given to an elector by a voting centre manager.
- ✗ 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.

Scrutineering urban mobile voting

Urban mobile voting teams visit hospitals and correctional centres to provide voting services to eligible patients and prisoners, as well as staff and visitors to the facility. Scrutineers are permitted to scrutineer voting at urban mobile voting centres.

As well as scrutineer appointment forms, scrutineers will also need to complete entry requirements set by hospitals or correctional centres. For example, some hospitals require a Working with Children Clearance for all visitors, and correctional centres require visitor forms to be completed and accepted, and have strict rules about what can be brought into their facility.

Completed scrutineer appointment forms for urban voting centres must be submitted directly to the NTEC by the deadline, and not to urban voting teams on the day.

Completed visitor forms for NT correctional centres also need to be submitted directly to the NTEC by the deadline, as the NTEC will lodge all paperwork with NT Correctional Services.

Current or former employees of NT Correctional Services are not permitted to scrutineer at NT correctional centres.

Scrutineering a count

Candidates have the right to appoint a scrutineer to observe counting in a voting centre or scrutiny centre⁷. Ballot papers can only be counted after 6:00 pm on election day.

Candidates can also appoint a scrutineer to observe counting on any day during the 13 day count period including the scrutiny of postal and declaration vote envelopes, and any recounts.

The main duties involved in scrutineering a count are:

- witnessing the unsealing of ballot boxes
- observing the unfolding, sorting and counting of ballot papers
- objecting to the formality of a ballot paper.

While scrutineering a count, scrutineers CAN:

- ✓ Object to the admission or rejection of a ballot paper as formal (a later section in this handbook provides information about informality and objecting).
- ✓ Use a phone (or other similar electronic device capable of capturing, recording, saving or transmitting images, videos, or information) to photograph the results slip or step away from the count table to phone or text through results.

While scrutineering a count, scrutineers CANNOT:

- ✗ Handle ballot papers in any way, including postal vote envelopes/certificates and declaration vote 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 photograph or video any ballot papers or envelopes.

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

Scrutineering 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.
- The date and time the elector completed the postal vote – which must be before 6:00 pm 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 postal vote certificate has no date or time recorded.
- The date or time recorded is after 6:00pm 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 and admitted postal vote envelopes.

Scrutineering declaration votes

If an elector cannot be found on the electoral roll, yet declare they are eligible to be enrolled for the division / council / ward having an election, they still have the opportunity to vote via a declaration vote. After election day, all declaration envelopes for unenrolled voters are scanned and sent to the Australian Electoral Commission who will then process the enrolments or updates for those voters who are eligible.

The NTEC will then conduct a preliminary scrutiny of declaration envelopes to determine if they are to 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 NT division / council area / ward at the close of roll date for that election. This means they were only eligible to vote for their enrolled electorate (at close of roll date) and were not eligible to vote for the declared electorate.
- the elector is found to not be enrolled (and therefore could not be enrolled by the AEC during their post-election processing) and are therefore not eligible to vote in that election.

Just prior to the count of admitted declaration votes (the dates of which are provided in an election count schedule) candidates have the right to appoint a scrutineer to inspect both the admitted and rejected declaration envelopes.

Informality

A ballot paper must be given effect according to the voter's intention so far as the voter's intention is clear⁸.

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 the full preferential voting system (for single vacancies) or the proportional representation voting system (for multiple vacancies), 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 Local Government (Electoral) Regulation 57, 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 2 or more candidates.
- 2 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.

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 (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.

Note: a 'mark' on a ballot paper is defined as a single '1', tick, cross or any other writing or mark that indicates the voter's intention.⁹

More information about ballot paper formality, including examples, can be found on the NTEC website.

Objections

Scrutineers have the right to object to the admission or rejection of a ballot paper as formal during a scrutiny¹⁰. The objection must be made to the table supervisor and may be escalated to the count supervisor where necessary.

When an objection is made, the officer must decide the objection by admitting or rejecting the ballot paper. To do this the officer must write "admitted" or "rejected" on the back of the ballot paper according to the decision.

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

Any ballot papers referred to the fresh scrutiny

8 Section 94(5) of the *Electoral Act 2004* and Local Government (Electoral) Regulation 57(7)

9 Section 94(6) of the *Electoral Act 2024* and Local Government (Electoral) Regulation 57(8)

10 Section 125(1) of the *Electoral Act 2004* and Local Government (Electoral) Regulation 60

should be placed in the informal pile for consideration by the count supervisor of the fresh scrutiny.

It is the duty of the count supervisor (or voting centre manager in a voting centre on election night) to ensure the election results from an election day voting centre or scrutiny centre are delivered in an ordered and timely way.

If a scrutineer's objections are considered to not have a serious purpose or value (for example objecting to 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 and scrutineering

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

There are multiple resources about the rules and guidelines for campaigning in NT elections which can be found on the NTEC website.

Electoral 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

