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Scrutineers Handbook 2016

Federal elections
By-elections
Referendums



AEC

Australian Electoral Commission

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The Australian Electoral Commission asserts the right of recognition as author of the original material. The report should be attributed as *Australian Electoral Commission Scrutineer's Handbook 2016*.

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About this handbook

Thank you for assisting with Australia's electoral process by acting as a scrutineer. You are doing an extremely important job in ensuring that Australia's proud democratic tradition of transparent elections is maintained. Transparency and integrity in the conduct of elections have, after all, been the hallmarks of Australia's federal electoral system.

As a scrutineer, you need a clear understanding of your role, including what you can and cannot do under the law. This handbook is designed to help you, before, during and after election day, to be as effective as possible as a scrutineer. Remember, you can play a significant part in helping to ensure, as far as possible, that every vote cast in an election counts.

What does a scrutineer do?

Candidates are not allowed to enter polling places, except in order to vote. They are also not permitted to observe the counting of votes (the scrutiny) for elections in which they are candidates. They have the right, however, to appoint scrutineers to represent them during the polling and throughout the various stages of counting ballot papers. For a referendum, scrutineers can be appointed by the Governor-General, the Governor of a State, the Chief Minister of the Australian Capital Territory, the Administrator of the Northern Territory, and registered officers of a registered political party.

As a scrutineer, you have the right to be present when the ballot boxes are sealed, when they are opened, when votes are being issued, and when the votes are sorted and counted so you may confirm the integrity of election processes on behalf of the candidate who has appointed you.

On behalf of candidates, scrutineers may observe:

- the polling,
- the counting of ballot papers (the scrutiny),
- the preliminary scrutiny of declaration envelopes,
- the further scrutiny of declaration votes,
- the fresh scrutiny of House of Representatives votes,
- the Divisional Returning Officer Senate count, and
- the Australian Electoral Officer scrutiny of Senate ballot papers.

How do I become a scrutineer?

A candidate appoints you by completing a scrutineer appointment form, which can be obtained from any Australian Electoral Commission (AEC) office or the [AEC website](#). The candidate must sign the form and give the name and address of the scrutineer.

You must then sign the undertaking on the form stating you will not attempt to influence the vote of an elector and that you will not disclose any knowledge you may acquire concerning any elector's vote.

The form may be provided in person to the relevant DRO or officer in charge of a polling place, or by fax if such facilities are available.

The Scrutineers Handbook

This handbook is published by the AEC, the Commonwealth agency that maintains the electoral roll and conducts federal elections, by-elections and referendums. The handbook covers the stages for the electoral process relevant to a scrutineer.

Each chapter in the handbook lists the parts of the Commonwealth Electoral Act 1918 (the Act) detailing how the electoral law applies to scrutineers.

The AEC advises that you also consult the Commonwealth of Australia Constitution Act (the Constitution), the Act, and other legislation including the Referendum (Machinery Provisions) Act 1984 referred to for the exact provisions.

The AEC can help you by providing information of a general nature about the role and duties of a scrutineer. However, it cannot provide you with formal or informal legal advice.

Legislative provisions appear in this handbook in a paraphrased form only, unless otherwise indicated. Scrutineers must satisfy themselves about their own legal position and, if necessary, refer to the exact provisions of the Constitution and the Act and consult their own lawyers.

You can access this handbook, the Constitution and the Act on the [AEC website](#).

Abbreviations and acronyms have been kept to a minimum. Seven acronyms are used throughout the handbook:

- AEC – Australian Electoral Commission
- AEO – Australian Electoral Officer
- ARO – Assistant Returning Officer
- DRO – Divisional Returning Officer
- the Act – *Commonwealth Electoral Act 1918*
- HoR – House of Representatives
- CSS – Central Senate Scrutiny

The words ‘voter’ and ‘elector’ are used interchangeably.

At the end of this handbook you will find a glossary that explains terms that may be unfamiliar to you.

How the handbook can help you

The handbook explains what you will do as a scrutineer, and how to comply with the law during the election and throughout the vote counting process.

Offences relating to elections are listed in Appendix 1. Some electoral offences apply at all times, while others apply during the specific election period.

As information can change during the life of a publication, the [AEC website](#) is the best source of up-to-date information.

AEC National, State, Territory and Divisional Office contact details

You will find office contact details on the [AEC website](#).

Feedback welcome

The AEC welcomes your views on the usefulness of the Scrutineers Handbook and any specific information provided in these pages. We invite you to provide feedback via the [AEC website](#).

The AEC also publishes Electoral Backgrounders on specific aspects of electoral law. Copies of these AEC publications can be accessed by visiting the [AEC website](#) or phoning 13 23 26.

What's new at this election?

Changes to Senate voting that will apply at this election

The Parliament has recently passed changes to the voting method for electing Senators.

The changes impact on how voters complete their Senate ballot paper and how the Senate ballot papers are counted.

Voters will still be able to choose to vote above or below the line, however the number of boxes voters are required to complete has changed.

Voting above the line (ATL):

- Voters must number at least six boxes from 1 to 6.
- By voting above the line, the voter's preferences will be distributed in the order that the candidates appear below the line for the party or group they have chosen. Preferences will first be distributed to the candidates in the party or group of the voter's first choice then to the candidates in the party or group of the voter's second choice and so on until all the voter's preferences have been distributed.

Voting below the line (BTL):

- Voters must number at least twelve boxes from 1 to 12.
- By voting below the line, voter's preferences will be distributed to the individual candidates as numbered on the ballot paper in the order of the voter's choice.

Counting of Senate votes

The counting of Senate votes will also be different.

As a result of the recent changes passed by the Parliament, the scrutiny of Senate votes will be carried out by the AEO at the Central Senate Scrutiny (CSS) centre in each State or Territory.

On polling night, at each polling place, the ARO is required to count the total number of Senate ballot papers and the number of first preferences ATL. It is AEC policy for the ARO to also count the number of first preferences BTL for each group and ungrouped candidate and to also count the obviously informal ballot papers.

After polling day, the DRO repeats the count process undertaken by the ARO before forwarding the ballot papers to the CSS.

This means that while ballot papers where a first preference cannot be determined will be separated from those where it can, it is only the AEO who determines formality. The AEO will be assisted in determining formality by a computerised scrutiny process.

Scrutineers have the opportunity to object to the formality of a Senate ballot paper at the CSS.

Political party logos

HoR and Senate ballot papers will look different at this election. Political parties that have registered a logo with the AEC before the issue of writs for the election can request to have their party logo printed on the ballot papers. The inclusion of a party logo is intended to reduce the confusion that may arise where political parties have similar names.

Handling of declaration votes

A further change arising from the recent Senate reforms relates to the handling of declaration votes.

Declaration vote ballot boxes will no longer be opened at polling locations. Instead they will remain sealed and transported to a divisional outpost where they will be stored securely until they can then be opened, fully reconciled and the declaration vote envelopes within forwarded to the relevant DRO for processing.

Timing of the election

Federal elections

Constitutional and legislative frameworks that govern Australian federal elections determine both the election timetable and electoral processes.

Both Houses of Parliament have separate provisions reflecting their different constitutional roles. A House of Representatives term expires three years from its first official meeting but can be dissolved earlier. Once the term expires or is dissolved, the Governor-General will issue the writs for an election.

The Senate is a continuing body with Senators for each state elected for a six year term. A rotation system ensures half the senate is retired or up for election every three years. The two senators each representing the Australian Capital Territory and Northern Territory are elected concurrently with the members of the House of Representatives and the duration of their terms of office coincide with those for the House of Representatives.

Usually, the House of Representatives and the half Senate elections are held at the same time. However, the Governor-General may dissolve both Houses simultaneously upon certain conditions having been met under section 57 of the Constitution, resulting in a general election for the House of Representatives and all of the Senate. This is known as a double dissolution.

The key dates in the election timetable are available on the [AEC website](#).

By-elections

Whenever a vacancy occurs in the House of Representatives because of the death, resignation, absence without leave, expulsion, disqualification or ineligibility of a Member, a writ may be issued by the Speaker for the election of a new Member. A writ may also be issued when the Court of Disputed Returns declares an election void.

The guiding principle in fixing the date of a by-election has always been to hold the election as early as possible so that the electors are not left without representation any longer than is necessary.

Referendums

The Constitution may only be altered with the approval of the Australian electorate. Any proposed laws to amend the Constitution must be submitted to the direct vote of the entire electorate in a referendum. Any alteration to the Constitution must be approved by a 'double majority', a national majority of electors, and a majority of electors in a majority of the states.

A referendum must be held no sooner than two and no later than six months after the proposal is passed by Parliament. The date set for the close of rolls is seven days after the issue of the writ, and voting day must be on a Saturday.

Do's and Don'ts

Whenever you are acting in the role of scrutineer, you must wear the Identification Badge the AEC supplied to you (also see page 11).

When taking on your role as a scrutineer, you may:

- observe all voting procedures – except the elector actually voting, unless the elector has requested assistance (see 'Assisted voting' on page 19 for more information),
- object to the right of any person to vote,
- be nominated by an elector to assist with the completion of a ballot paper,
- enter and leave the polling place at any time during voting,
- enter and leave the polling place at any time during the counts (your place may be taken by another appointed scrutineer), and
- inspect, but not touch, any ballot paper at the count.

You must not:

- stay in a polling place unless you have provided a completed appointment form,
- go into a polling place without your scrutineer's badge,
- help with clearing voting booths or the removal of material from the polling place,
- touch ballot papers,
- interfere with a voter, or attempt to influence them,
- reveal anything you know about how someone has voted,
- wear a badge or emblem of a political party or candidate within the polling place,
- deliberately show or leave in the polling place any how-to-vote card or similar direction as to how an elector should vote,
- use an image recording device (such as a camera, a video recorder, or a camera or video-enabled mobile phone) in a polling place or counting centre, and
- unreasonably delay or interfere with the progress of counting the votes.

Becoming a scrutineer

The Act

Part II, 'Administration'

This chapter gives you some essential background on who is responsible for conducting the election, the different roles of the people you are likely to meet on and after election day, and expanded information on the appointment of scrutineers.

Australian Electoral Commission

Federal elections, by-elections and referendums are conducted by the AEC.

The AEC has a National Office in Canberra, an office in each of the state capital cities and Darwin, and offices providing electoral services for House of Representatives electoral divisions.

In each state and the Northern Territory, an AEO is responsible for the management of electoral activities within their state or territory. An AEO for the Australian Capital Territory is appointed temporarily for each election period.

The AEO is the returning officer for the Senate election in the state/territory.

Each electoral division has a DRO who is responsible for the electoral administration in that division, including conducting elections in that division.

The DRO is the returning officer for the House of Representatives election in the division.

At the polling place

At the polling place, you are likely to come into contact with several people who have an official role.

For each election, the DRO arranges where the polling places will be and appoints the polling officials for the division.

Under the provisions of the Act, the officer in charge of each polling place is called the Presiding Officer during polling – from 8am to 6pm on election day. From 6pm, however, during the counting of the votes (the scrutiny), this officer is called the ARO.

To overcome confusion, the AEC commonly uses the term officer in charge to refer to both the Presiding Officer and ARO. Officer in charge is the term you are most likely to hear in the polling place. Most other staff employed in polling places work as issuing officers or enquiry officers. Issuing officers issue ballot papers to voters. Enquiry officers assist voters with problems that may occur during the conduct of the poll.

The Act, ss.348(1)(c), 348(3)

Other than polling officials, scrutineers and electors intending to vote, no one is permitted in the polling place during the polling, except by permission of the officer in charge.

Appointment of scrutineers

The candidate must sign the scrutineer appointment form and give the name and address of the scrutineer. The form may be provided in person to the DRO or the officer in charge of a polling place, or by fax if such facilities are available.

Scrutineers may be appointed to act as a scrutineer during both the polling and the scrutiny, or different people may be appointed for each process.

The scrutineer appointment form is used to appoint scrutineers for early voting, election day, and the scrutiny. Multiple forms are required if you are scrutineering at more than one venue or on more than one occasion.

Also included on the appointment form is an undertaking that each scrutineer must sign. Undertakings scrutineers are required to make include:

- not to divulge any information with respect to the vote of an elector
- not to interfere with or attempt to influence the vote of an elector
- not to communicate with any person in the polling place except so far as necessary in the discharge of their functions
- not to use any image-recording device to record images of ballot papers or declaration envelopes.

Only one scrutineer per candidate is allowed:

- for each early voting centre
- for each mobile polling team
- for each issuing point in a polling place on election day
- for each officer counting the votes during the scrutiny.

Scrutineers attending any form of mobile polling must organise their own transportation.

Identification badge

When you attend a polling place or a counting centre, the AEC will supply you with a badge that identifies you as a scrutineer (the Identification Badge) and a scrutineer's lanyard. Whenever you are acting in the role of a scrutineer, you must hang the Identification Badge on the scrutineer's lanyard on the front of your body and above your waist.

You must return your Identification Badge if you leave the polling place or counting centre at any time.

During the polling

The Act

Part XV, 'Postal Voting'

Part XVA, 'Pre-poll voting'

Part XVI, 'The polling'

Part XXI, 'Electoral offences'

The Referendum

(Machinery Provisions) Act 1984

Part III, 'Voting at a referendum'

Part IV, 'Postal Voting'

Part IVA, 'Pre-poll Voting'

In this chapter, you will find a description of what you are entitled to do during the polling on election day, and a summary of what you and others cannot do under the law. A full list of offences under the law, and the penalties these incur, is at Appendix 1.

The permissible behaviour of party workers and others who are likely to be in the vicinity of the polling place, such as photographers or media representatives, is also described.

Note: When a building used as a polling place is situated in enclosed grounds and the officer in charge, with the authority of the DRO, displays a signed notice at each entrance stating that the grounds are part of the polling place, those grounds are considered to be part of the polling place for purposes of an offence under section 340 of the Act.

Rights of scrutineers

As a scrutineer, you have certain rights under the Act, whether you are within the polling place or performing your duties as a scrutineer elsewhere. These rights are outlined below, along with the sections of the Act that specify them.

Coming and going

The Act, s.218(2)

You may enter and leave the polling place at any time during the polling. If you leave, you can be replaced by a relieving scrutineer who has been properly appointed.

Remember, on election day only one scrutineer for each candidate at each issuing point can be present in the polling place at any one time and you must return your Identification Badge if you leave the polling place at any time.

At the sealing of the ballot boxes

The Act, ss.200DP(1), 200DQ, 217(1), 220(a), 220(d) and 227(10)

You have the right to observe the officer in charge sealing the empty ballot box and recording the seal numbers before the poll commences at 8am. You may also observe the sealing of the ballot box at the conclusion of any polling that extends over more than the one location or day.

Note: Section 220(d) of the Act – sealing ballot boxes – does not apply at counting centres.

Questioning of electors

The Act, ss.200DI(1) and 229(1).

You may observe the questioning of electors by the issuing officer. Every person claiming to vote must be asked at least the following three questions:

1. What is your full name?
2. Where do you live?
3. Have you voted before in this election?

If a person is claiming entitlement to apply for an early vote (prior to election day), the issuing officer will also ask the person the additional question below.

Are you entitled to apply for an early vote?

Objections

The Act, s.231(2)

You may object to the right of any person to vote. The officer in charge must record all such objections by scrutineers.

Helping voters

The Act, ss.234 and 234A

You may assist any voter if they ask you. You may observe and accompany the officer in charge when they are requested to assist a voter who is blind or has low vision, has low literacy skills or is otherwise incapable of marking the ballot paper without assistance. These voters may however, appoint another person to enter the voting booth with them to mark, fold and deposit the ballot paper in the ballot box. In this case, neither the officer in charge nor the scrutineer accompanies the voter into the voting booth.

You may also be present during the issuing of votes outside the polling place to any voter who has satisfied the officer in charge that they are unable to enter the polling place itself due to physical incapacity.

What about other situations?

The Act, s.200DA(1)

You have the right to be present during the polling at an early voting centre.

The Act, s.227

Mobile polling teams conduct mobile polling at any time on any of the twelve days preceding polling day, on polling day or on a day to which polling is adjourned.

You have the right to be present during the conduct of mobile polling at locations including, but not limited to hospitals, prisons and remote areas. In hospitals that are polling places, polling officials take the ballot boxes and necessary voting equipment to patients during polling hours on election day. Mobile polling teams may carry how-to-vote material, but not openly display it. They must advise voters that the material is available and may distribute it at the request of a voter.

You have the right to be present during the conduct of mobile polling in prisons in accordance with arrangements made with prison authorities.

You have the right to be present during the conduct of mobile polling in remote areas. However, you must arrange your own transport.

Offences by scrutineers

The Act and the Criminal Code are specific about what constitutes an offence by a scrutineer. See Appendix 1 for more information. Penalties can involve a fine or imprisonment or both. This section summarises the various types of offences you need to be aware of as you perform your role as scrutineer.

If you are in any doubt about what constitutes an offence, you should seek independent legal advice.

Scrutineers may not use any image-recording device (including cameras, video recorders and camera or video-enabled mobile phones) to record images of ballot papers or declaration envelopes, or any other images that might identify an elector and how they have voted, in a polling place or counting centre.

Behaviour in the polling place

The Act, ss.348 and 218

A scrutineer must not interfere with a voter, or attempt to influence any voter within the polling place. You must limit any communication you have with a voter to what is necessary for you to discharge your function as a scrutineer.

If the officer in charge considers you have committed a breach, or that you are guilty of misconduct, they may request that you be removed from the polling place by the police or by another authorised person. You may also be removed if you fail to obey the lawful directions of the officer in charge.

You must not disclose to anyone else any knowledge you may acquire as a scrutineer about how an elector has voted.

You must not exhibit or leave in the polling place any printed material – card or paper – that directs, instructs or is intended to influence an elector on how to vote.

You must not wear or display a badge or emblem of a candidate or political party in the polling place, s341, the Act.

Other offences on election day

Scrutineers, party workers and other supporters of a candidate should also be aware of various other acts and omissions that constitute an offence on election day.

The Act, Part XXI

In summary, these offences include:

- knowingly making a false or misleading statement about an elector's enrolment to them on election day,
- marking a vote or making any other mark on any other person's ballot paper without authority,
- impersonating someone with the intention of securing a ballot paper to which the impersonator is not entitled,

- impersonating someone with the intention of voting in their name,
- fraudulently doing anything that results in a nomination paper or ballot paper being defaced or destroyed,
- fraudulently putting any ballot paper or other paper into the ballot box,
- fraudulently taking any ballot paper out of any polling place or counting centre,
- supplying ballot papers without authority, and
- interfering with or doing anything that results in the unlawful destruction, taking, or opening of the ballot boxes or ballot papers.

Other offences include:

- voting more than once in the same election, and
- defacing, mutilating, destroying or removing any kind of material displayed by or under the authority of the DRO.

Party workers, other than those appointed as scrutineers, may only enter the polling place once – to record their own vote. There is only one exception: when an elector who is blind, has low vision, is physically incapacitated, or has low literacy skills, nominates a party worker to help them vote.

The six metre limit

The Act, s.340

Special prohibitions apply to the area within six metres of the entrance to a polling place (in the case of mobile polling locations, these provisions apply not only on polling day, but any of the twelve days preceding polling day or a day to which the polling is adjourned).

Party workers and supporters must not:

- canvass for votes
- solicit votes
- induce any elector not to vote for any particular candidate
- induce any elector not to vote at the election
- exhibit any notice or sign (other than an official notice) relating to the election.

Prohibitions also apply to any of these acts that are broadcast by electronic equipment and are clearly audible within six metres of the entrance to a polling place.

The general prohibition on canvassing within six metres of an entrance to a polling place means that party workers and supporters who are distributing how-to-vote cards and other non-AEC notices can only hand out or display this material outside the six metre limit.

Voting

The Act

Part XV, 'Postal voting'

Part XVI, 'The polling'

The Referendum

(Machinery Provisions) Act 1984

Part III, 'Voting at a referendum'

Part IV, 'Postal Voting'

Part IVA, 'Pre-poll Voting'

For more information on voting procedures, please visit the [AEC website](#) or phone the AEC on 13 23 26.

Voting is compulsory in Australian federal elections, by-elections and referendums. The AEC puts a great deal of effort into ensuring every qualified elector has the opportunity to vote. As a scrutineer, you will need to know about the voting process, including the different types of votes that can be cast and the various issues involved in the management of polling during an election. This chapter discusses these matters in depth.

Scrutineers are in a trusted position, so it is particularly important you are aware of your legal obligation to observe the secrecy of the vote. You must also observe the prohibition on recording any aspect of the voting process.

Remember, you must wear an official badge identifying you as a scrutineer at all times when you are in a polling place.

Certified list of voters

Before polling begins, each issuing officer at a polling place is supplied with a copy of the certified list of voters for the division in which the polling place is located. The certified list is used in issuing votes to electors enrolled for that division.

If a voter's name is not found on the certified list, they may cast a provisional vote. Their entitlement to vote in the election will be verified before their ballot paper is added to the scrutiny.

Ballot papers

An elector is issued with a green ballot paper for the House of Representatives election or by-election, and a white ballot paper for the Senate election. Referendum ballot papers are a different colour for each question if the circumstances in subsection 25(3a) of the Referendum Act are met. Otherwise, the questions are printed on one piece of paper.

Any elector who makes a mistake or 'spoils' a ballot paper before it is placed in the ballot box or in the declaration vote envelope may receive a new one when they return the spoilt ballot paper to the issuing officer.

Pencils

Section 206 of the Act requires polling compartments be equipped with pencils. However, an elector may mark his or her ballot paper with a pen if they so wish.

Methods of voting

As a scrutineer, you will observe electors using various methods to record their votes. You should therefore be aware of the different categories and methods of voting, as the rules differ slightly in the observation of each:

- ordinary voting
- declaration voting; including
 - absent votes;
 - provisional votes;
 - interstate votes; and
 - early votes, which can be cast in person or by post.

Ordinary voting

An ordinary vote is recorded by an elector whose entitlement to vote is verified at the place of polling and whose name is marked off a certified list of voters.

Ordinary votes may be cast on, or in certain circumstances before, election day. Most of these votes are counted on election day, after the close of voting.

At the polling place, the elector must answer three questions:

1. What is your full name?
2. Where do you live?
3. Have you voted before in this election?

If the issuing officer is satisfied with these answers, the elector is entitled to vote and receives a ballot paper for each election. The issuing officer initials the ballot paper and marks the name of the voter off the certified list. Issuing officers may ask other questions to identify particular electors.

The elector must then proceed alone to a voting booth and, in private, for each ballot paper:

- mark their vote on the ballot paper
- fold it so the vote is concealed
- place it in the ballot box and leave the polling place.

Declaration voting

A declaration vote is recorded by an elector whose entitlement to vote cannot be confirmed at the place of voting. The elector makes a signed declaration on an envelope and then puts their completed ballot paper inside. These votes are counted after election day if the elector's entitlement to vote is verified using the information provided on the declaration envelope.

A declaration vote can be cast as:

- an early declaration vote prior to election day either in person or by post
- an absent vote prior to and on election day
- a provisional vote prior to or on election day.

Absent voting

The Act, s.222(1) & s.227 (8)(b)(i)

An elector who is away from the division for which they are enrolled but still within the same state or territory may, upon making a declaration, vote via a mobile polling team or, vote on election day at any other polling place in that state or territory.

Interstate voting

Electors who are out of their own state before election day may make an early vote at any divisional office, early voting centre, or via a mobile polling team. Some early voting centres are also open on election day for the casting of interstate votes only.

Provisional voting – eligibility

An elector may be issued with a provisional vote if:

- their name cannot be found on the certified list of voters for the division (the Act, s.235(1)(a)), or
- their name is on the certified list of voters but their address does not appear on the list (these may be silent electors who for reasons of personal or family safety do not have their address shown) (the Act, s.235(1)(b)), or

- the officer in charge has asked the person one or more questions under subsection 229(4) about matters shown on the certified list of voters for a particular person to establish whether the person is that particular person and one of the following applies:
 - their answers do not accord with the relevant information shown for that particular person on the list (the Act, s.235(1)(c)(i)),
 - their answers accord with the relevant information shown for that particular person on the list but the officer is not satisfied that the person is that particular person (the Act, s.235(1)(c)(ii)),
 - they refused to answer fully (the Act, s.235(1)(c)(iii)), or
- their name has been marked on the certified list of voters as having already voted at the polling place (and the voter claims not to have voted before) (the Act, s.235(1)(d)), or
- the person is provisionally enrolled as a new citizen (the Act, s.235(1)(e)).
- on receipt of a ballot paper, the provisional voter casts their vote in the ordinary manner.
- the provisional voter returns the folded ballot paper to the polling officer, who then places it in the signed and witnessed declaration envelope, seals it and puts it in the ballot box for later dispatch to the DRO.

Early voting

An elector may apply in person for an early vote at an early voting centre or at an AEC divisional office on any of the grounds applicable to postal voting, and cast either a pre-poll declaration or pre-poll ordinary vote. Alternatively, they may apply for a postal vote or cast their vote with a mobile polling team.

Electors who are blind or have low vision will be able to cast a secret vote via special call centre arrangements. Further information for candidates and scrutineers about the locations and hours of operation of call centres will be placed on the [AEC website](#).

Scrutineers have the right to be present during the conduct of early voting.

The Act, ss.231(2) and 200DJ(2)

At the request of a scrutineer, the officer in charge must make a note and keep a record of any objection by the scrutineer to the right of the voter to vote by pre-poll declaration or pre-poll ordinary vote.

On election day some early voting centres become interstate voting centres for electors from interstate only.

Postal voting

You may observe the preliminary scrutiny of declaration envelopes (postal vote certificates) containing postal votes and the subsequent scrutiny, including counting of postal votes.

Electors who may be eligible for postal voting include those who will not be in their home state or territory on election day, are seriously ill, infirm or unable to leave work, or for religious reasons are unable to attend a polling place. The conditions for entitlement to a postal vote are given in detail in Appendix 2.

Provisional voting – completion and return

The Act, s.235

The following procedures apply to provisional voting:

- the issuing officer must show the voter a written statement (either as a separate card or on the back of the declaration envelope) explaining provisional voting and the procedures followed.
- the provisional voter must answer in writing the questions put to any ordinary voter (with the exception that an elector with their address suppressed from the electoral roll is not required to publicly disclose their address).
- the provisional voter must sign a declaration on an envelope provided for the purpose, in the presence of the issuing officer, who must then sign as witness to the declaration and add the date.

Voting at mobile polling places

Mobile polling provides the opportunity for electors who are unable to go to polling places to vote at an election. Mobile polling services may be delivered at any place where the Electoral Commissioner determines they may be needed, and may commence up to 12 days before polling day, on polling day, or on a day to which polling is adjourned. Once determined, the places, days and times of mobile polling arrangements are published on the [AEC website](#). Mobile polling can take place at locations including, but not limited to hospitals, prisons and remote areas.

Assisted voting

Voting inside the polling place

As a scrutineer, you may assist any voter if they ask you. Assisted voting is available at all polling places including areas visited by mobile polling teams, such as hospitals, prisons and remote areas.

The officer in charge may permit any voter who is blind or has low vision, is physically incapacitated, or has low literacy skills, to be accompanied by a person appointed by the voter so that the person (in accordance with the voter's wishes) can mark, fold and deposit the voter's ballot paper in the ballot box on behalf of the voter.

Where no such person is appointed, the officer in charge may perform this role in the presence of scrutineers or, if no scrutineers are present, in the presence of a polling official or another person appointed by the voter.

The officer in charge at a hospital will inform the elector of their right to be assisted in casting a vote when necessary.

In any situation where a voter requires assistance, the voter may indicate a voting intention to the officer in charge with a written statement, including a how-to-vote card.

Voting outside the polling place

If the officer in charge is satisfied that an elector is unable to enter the polling place because of physical disability, illness, advanced pregnancy or other conditions, they may allow the elector to vote outside in close proximity to the polling place.

The officer in charge must inform any scrutineers at the polling place that an elector will vote outside the polling place and that one scrutineer per candidate is allowed to be present when the elector votes. As a scrutineer, you are entitled to observe the process (though not the marking of the ballot papers, unless the officer in charge is called on by the voter to assist in marking the ballot papers). The voter must mark their ballot papers in the presence of a polling official and then hand them, folded, to the polling official so that their vote is concealed.

The polling official must ensure the folded ballot papers are immediately returned to the polling place and put in the ballot box in the presence of any scrutineers who were present when the elector voted.

If the voter also satisfies the officer in charge that they are unable to vote without assistance, the officer in charge may, with the voter's consent, allow a polling official to mark and fold the ballot papers as the voter indicates. The voter may indicate a voting intention to the officer in charge with a written statement, including a how-to-vote card.

The Scrutiny

The Act

Part XVI, 'The polling'

Part XVII, 'Special provisions relating to the polling in Antarctica'

Part XVIII, 'The scrutiny'

Schedule 3, 'Rules for the conduct of a preliminary scrutiny of declaration votes'

The Referendum (Machinery Provisions) Act 1984

Part VI, 'Scrutiny of a referendum'

As a scrutineer, you may be present at the checking and counting of the ballot papers after the close of polling – the scrutiny of House of Representatives and referendum ballot papers and the count of Senate ballot papers. This chapter details what you can and cannot do as a scrutineer during the counting process. It also describes the AEC's procedures so you will know what to expect as you observe the counting of ballot papers on election night and in the days following.

Details of the changes to Senate voting can be found under the heading "Counting of Senate votes" on page 7 of this publication.

What scrutineers do

The Act, ss.264 and 265

As a scrutineer, you have certain roles under the Act. These roles are outlined below.

Sealing and opening ballot boxes

You have the right to inspect the condition of, and observe the sealing (if relevant) and opening of ballot boxes. Ballot boxes containing votes taken by mobile polling teams are forwarded to the DRO for counting. These ballot boxes are opened and the scrutiny of the HoR and Referendum ballot papers and the DRO Senate count conducted on election night or as soon as possible after election night.

Counting ballot papers

You have the right to observe the counting of ballot papers on election night by AROs, including the two-candidate-preferred count conducted after the counting of first preference votes. You may also view the flow of preferences from other candidates, but only if this does not unreasonably delay the scrutiny.

You may observe the counting of ballot papers following election night, including the fresh scrutiny of HoR and referendum ballot papers, the DRO Senate count, the preliminary and further scrutiny of declaration votes, and any recount of ballot papers.

Objections

You may object to the admission or rejection of any ballot paper at a scrutiny. The officer conducting the scrutiny will then decide whether the vote is formal or informal and mark the ballot paper as 'admitted' or 'rejected'. The officer may reject a ballot paper as informal even if no scrutineer has objected to it.

Note: As outlined earlier, following the recent Senate reforms, the count of Senate ballot papers carried out at polling places is not considered a scrutiny. This means that the ARO has no legislative authority to make decisions on the formality of Senate ballot papers and scrutineers cannot challenge the formality of Senate ballot papers at this point. The ARO will, however, separate out the obviously informal ballot papers which cannot be allocated to any group because they are blank, indicate more

than one first preference or do not indicate a first preference for any candidate. The scrutiny of Senate ballot papers is undertaken at the CSS centre in the weeks following election day. Scrutineers have the opportunity to challenge to the formality of ballot papers at the CSS.

Countersigning endorsements

Electoral officers bundle ballot papers and other materials relating to the election for dispatch to the divisional offices. You may countersign endorsements of the contents on any parcels of ballot papers, and countersign statements setting out the number of first preference votes for each candidate and the number of informal ballot papers.

Coming and going

You may come and go during the scrutiny, provided there is never more than one scrutineer per candidate per polling official engaged in the scrutiny at any one time.

Remember, you must return your Identification Badge if you leave the counting centre at any time.

What scrutineers must not do

During the scrutiny, you must not:

- handle ballot papers in any way, or
- unreasonably delay or interfere with the counting of votes.

While you have the right to observe all stages of the HoR scrutiny and challenge the formality decisions made by scrutiny staff on HoR ballot papers, it is the duty of the ARO to ensure the election results from the polling place are delivered in an orderly and timely way.

On election night

The counting of ordinary votes begins in each polling place immediately after the poll closes at 6pm on election day.

When the HoR election and Senate election are held at the same time, the HoR ballot papers are counted before Senate ballot papers.

On election night, polling officials are required to complete four main tasks after the close of polls:

- count the first preferences on the HoR ballot papers,
- conduct a two-candidate-preferred count of the HoR ballot papers (note: this is an indicative count only),
- count the first preferences on the Senate ballot papers, and
- sort counterfoils from declaration votes and reconcile with unused declaration ballot papers (the ballot boxes containing declaration envelopes remain sealed until the ballot boxes are returned to the DRO).

The counting of ordinary HoR and referendum votes taken at pre-poll voting centres also commences as soon as possible after 6pm on election day.

All proceedings at the count must be open to you. The scrutiny may be adjourned from time to time as might be necessary until the counting of the votes is complete.

Informal votes

A ballot paper is generally considered informal if it is not filled out correctly in accordance with the Act and the instructions on the ballot paper. It therefore cannot be included in the scrutiny. The formality of ballot papers is covered in more detail under the heading "Formality of votes" on page 26 of this publication.

House of Representatives count on election night

The HoR are initially sorted by the polling officials into first preference votes for each candidate and informal ballot papers. The results are then tabulated and the first preference vote figures for each candidate are telephoned to the relevant DRO.

Divisional staff then enter these figures for each polling place into the national computerised Election Management System, which in turn updates the Tally Room (TR) on the [AEC website](#).

Indicative two-candidate-preferred

On the completion of the count of first preferences for the HoR at each polling place, the officer in charge must, as directed by the relevant AEO (in accordance with s.274(2A) of the Act), conduct an indicative distribution of preferences on a two candidate-preferred basis. This provides an indication of the likely outcome of the election in each division.

The procedure for the indicative two-candidate-preferred count is outlined below.

- After nominations close, the AEC selects two candidates in each division to whom preferences of all other candidates will be distributed indicatively on election night. These candidates are chosen in most cases on the basis of previous election results.
- The names of the two candidates are not made public before the close of polling. At each polling place, the ARO announces the names of the two candidates at the commencement of the count.
- Polling officials sort the ballot papers into first-preference piles for each of the candidates. The ballot papers for the two nominated candidates are removed to a secure area and the ballot papers for the remaining candidates are notionally allocated to one of the two nominated candidates according to who is more preferred or gets the 'best preference'.

For example, if the two nominated candidates are Labor and Liberal then a ballot paper that has '1' Democrats, '2' Independent, '3' Labor and then '4' Liberal will be allocated to the Labor candidate. A ballot paper that showed '1' Independent '2' Liberal (etc) would be allocated to the Liberal candidate.

Like the count of first preference votes, this result is telephoned through to the DRO, who enters it into the Election Management System, which in turn updates the TR on the [AEC website](#).

As soon as the scrutiny of ordinary votes ends, all the ballot papers from the polling place are placed in sealed parcels and delivered to the DRO. The full distribution of preferences is conducted by the DRO in the weeks after election day.

Senate count on election night

On election night, the total number of Senate ballot papers, the first preference votes – above the line and below the line and the total obviously informal – are counted. A first preference figure for each group and each ungrouped candidate is reported.

Senate results cannot be calculated until the state or territory-wide total of all votes is known and is used to determine the quota – the proportion of votes required by a candidate to be elected. It is only possible, therefore, to get a general impression of the Senate results on election night.

The Senate count on election night may begin at the same time as the two candidate-preferred count for the HoR depending on the number of staff in the polling place. Results from the Senate count are telephoned through to the DRO, and group totals and ungrouped results are entered into the Election Management System in the same way as HoR votes.

On election night, the only figures released for the Senate are the first preference votes for groups and ungrouped candidates.

Referendum count on election night

The counting of referendum ballot papers also begins on election night. The 'Yes' and 'No' votes are counted, telephoned through to the DRO and entered into the Election Management System.

After election night – fresh scrutiny or re-check

House of Representatives after election night

The initial scrutiny of HoR and Referendum ballot papers conducted at the polling place on election night is routinely followed by a 'fresh scrutiny' conducted at a divisional out-posted centre in the days following election day. The fresh scrutiny is a re-check of all ordinary votes received from every polling place, pre-poll voting centre and mobile polling team within a division.

The fresh scrutiny also includes a two-candidate-preferred count, to confirm the TCP result from election night. This count is conducted in essentially the same manner as the indicative two-candidate-preferred count conducted in polling places on election night.

Following the fresh scrutiny, a full distribution of preferences is also carried out for each polling place.

DRO Senate count after election night

In the week following election day, the DRO re-counts the Senate ballot papers from polling places and does a count of ballot papers from mobile polling teams, pre-poll voting centres and declaration votes. The count is a total of all ballot papers, a total first preference figure for each group for ballot papers marked above the line and a total count of ballot papers marked below the line (grouped and ungrouped candidates)

and a total of obviously informal ballot papers. The result is transmitted to the AEO and the ballot papers are then despatched in secure containers by approved means of transport to the AEO at the CSS centre. The exact time of the DRO re-count will be advised by the DRO.

Any person approved by the officer conducting the count may be present, as well as duly appointed scrutineers.

Central Senate Scrutiny (CSS)

After the DRO Senate count, the AEO conducts the Senate scrutiny and assesses the formality of ballot papers at the CSS centre in each state and territory.

The Senate scrutiny and the distribution of preferences are conducted using a computer application. The computerised system calculates the quota, distributes preferences and determines the result of the Senate election.

This system provides full accountability and an audit trail, including reports for inspection by scrutineers. The relevant AEO notifies all Senate candidates by letter of the location and hours of operation of the CSS centre in that state or territory.

Referendum count after election night

After election night, a fresh scrutiny of ordinary referendum ballot papers must be undertaken to check that on election night all ballot papers were correctly allocated. Although not required under the Referendum (Machinery Provisions) Act 1984, it is AEC policy to conduct a fresh scrutiny of all declaration vote referendum ballot papers.

Scrutiny of declaration votes

Declaration votes do not get counted on election night; instead, they are counted in the weeks following election night. The counting of these votes takes longer than the counting of ordinary votes.

The DRO and staff in the divisional office conduct the scrutiny of declaration votes in two stages:

- the **preliminary scrutiny** of postal vote certificates and declaration envelopes containing early, absent or provisional votes to determine whether each person is entitled to a vote, and
- the **further scrutiny** where the ballot papers admitted to the scrutiny are taken out of their envelopes and then treated in the same way as ordinary ballot papers.

Declaration exchange

In the days following election day, a 'declaration vote exchange' is carried out between the divisions within each state and territory, where declaration votes are physically passed on to the relevant division. Declaration votes received on behalf of divisions in another state or territory are sent via state or territory offices for distribution to the relevant divisions. Once the declaration votes are received in the home division, the counting of these votes can begin.

Preliminary scrutiny

The preliminary scrutiny of declaration vote envelopes determines which declaration votes are admissible and can proceed to further scrutiny for HoR and referendum or a DRO Senate count. The preliminary scrutiny of early and postal declaration vote envelopes can begin on the Monday before election day. This assists the DRO to begin the further scrutiny of these types of declaration votes promptly after election day.

Early and postal declaration vote envelopes are checked to ensure they have been signed by the voter. For early declaration vote envelopes, names are marked off the certified list of voters.

Electronic Certified List (ECL) devices will be used to assist divisional staff in conducting preliminary scrutiny.

No declaration vote envelope can be opened or ballot paper scrutinised before the close of the poll.

The DRO will contact candidates before the preliminary scrutiny to advise times, dates and locations of preliminary scrutinies. A notice must be displayed in the DRO's office no later than 4pm on the day before the preliminary scrutiny is to begin.

Postal vote certificates

Section 228(5A) of the Act requires the AEC to wait for up to 13 days after election day for any outstanding postal votes. These votes are included in the count if they were cast before 6pm on election day and are received within 13 days after the close of the poll. For this reason, the counting of postal votes is an ongoing process for up to 13 days after election day.

A postal ballot paper will be accepted for further scrutiny if the DRO is satisfied:

- that the elector is enrolled (or entitled to be enrolled) for the division,
- that the vote contained in the envelope was recorded prior to the close of the poll (which is done by checking the date the witness has signed),
- that the signature on the postal vote certificate is valid, and
- that the signature is correctly witnessed.

Following the removal of signature checking requirements from the Act, the AEC implemented an authentication checking system to confirm that the person who submits a Postal Voting Application (PVA) is the same person who completes the Postal Voting Certificate (PVC). This is to be done via a security question and answer process, with signature checking as a back-up. PVCs must not be rejected if the security answer is incorrect or not provided, as it is not a mandatory field and does not invalidate the PVC.

If there is doubt that the signature on a PVC is that of the elector, the DRO must check the signature against the most recent enrolment record (if any) of the elector's signature available.

Early, absent and provisional vote declaration envelopes

The requirements for the preliminary scrutiny of early (pre-poll), absent and provisional votes are essentially the same as those for the preliminary scrutiny of postal votes.

A declaration vote will be accepted for further scrutiny if the DRO is satisfied:

- that the elector is enrolled (or entitled to be enrolled) for the division
- that the certificate or declaration has been properly signed and witnessed.

Votes will not be admitted where:

- the elector was provisionally enrolled at 17 years of age but had not turned 18 on or before election day
- the elector's claim to be enrolled was received by the AEC after the close of rolls for the election.

A vote will generally be admitted if clerical, computer error or omission was responsible for the elector's name or address being excluded from the electoral roll.

Antarctic electors

An Antarctic elector will have their vote and details recorded as an early vote by the AEO for Tasmania. The AEO will sign the early vote certificate instead of the elector.

Further scrutiny declaration votes

Declaration votes do not get counted on election night. They are counted in a counting centre in the period following election night, after they have passed through the preliminary scrutiny. At the further scrutiny, the DRO opens the declaration vote envelopes that have passed the preliminary scrutiny. The ballot papers are extracted, without being unfolded or inspected, and placed in a ballot box. They are then counted following the same procedures as after 6pm on election day.

The DRO will advise candidates of the times, dates and locations of the further scrutiny. Scrutineers have the same rights and responsibilities at a further scrutiny in a counting centre as they have at the scrutiny of ballot papers in a polling place after 6pm on election day.

Formality of votes

The Act

Part XVI, 'The polling'

Part XVIII, 'The scrutiny'

Schedule 3, 'Rules for the conduct of a preliminary scrutiny of declaration votes'

The Referendum (Machinery Provisions) Act 1984

Part VI, 'Scrutiny of a referendum'

As a scrutineer, you have the right to challenge the admission or rejection of any ballot paper at the scrutiny. The grounds for a challenge may be the formality or informality of the ballot paper. You therefore need to know the difference between an informal vote and a formal vote.

For further information on the formality of votes, please refer to [Ballot paper formality guidelines](#).

Stages of the scrutiny

The scrutiny of ballot papers has two stages:

- an initial formality check, where votes that do not satisfy certain criteria are excluded, and
- a subsequent examination of those votes that pass the formality check to determine which candidate has been elected.

Checking formality

To help decision makers correctly identify ballot papers as formal or informal, there are:

- two **formality** tests that must be applied to all ballot papers,
- five **principles** that must be applied to every ballot paper that passes the initial two tests, and
- a set of **guidelines** that underpin these principles.

The ARO at the polling place, DRO at the Fresh scrutiny and the AEO for the Senate are the appropriate decision makers. To assist with the consistent application of the formality principles, decision makers should attempt to look at as many disputed ballot papers as possible at the one time.

If the polling place officials conducting the scrutiny of HoR or referendum ballot papers are in doubt about the formality of a ballot paper they will put it in a separate pile for the ARO to review.

If an ARO is unsure of the formality of any ballot paper, they should always include them with the other informal ballot papers.

All informal ballot papers are checked by the DRO, or the AEO in the case of Senate ballot papers, and by following the above process, the ARO ensures the DRO makes the decision on the formality of possibly contentious ballot papers.

Ballot paper formality tests

All ballot papers will be required to undergo two tests before progressing through formality checking. Failure of either of these tests will result in an informal ballot paper and no further formality checking will be required.

- Is the ballot paper authentic?
- Does the ballot paper identify the voter?

Authentic ballot papers

Generally a ballot paper will carry an official mark (watermark or printed security pattern) and the initials of the issuing officer.

However, ballot papers that do not carry these markings are not necessarily informal. They should be presented to the DRO in the case of HoR or Referendum ballot papers or to the AEO in the case of Senate ballot papers to decide on their formality.

Ballot paper alteration by polling officials

If a ballot paper does not contain the initials of the issuing officer or an official mark, it must be presented to the DRO if it is a HoR or Referendum ballot paper or the AEO in the case of Senate ballot papers who will determine its formality.

A fully printed ballot paper for a division may be altered to become a ballot paper for another division (i.e. the names of the candidates are crossed out by the issuing officer and the names of candidates for the other division are written in their place).

Where ballot papers have been altered by polling officials the vote is still formal if:

- the political party names are not all correctly listed, for example the wrong party names are listed against the candidates or the party names are not listed.
- a ballot paper has the names of any candidate spelt incorrectly, provided the identity of the candidate is still clear.
- the ballot paper has the names of the candidates in the wrong order.
- the candidate's surname is only listed on the altered ballot paper, as long as no two candidates share a surname.

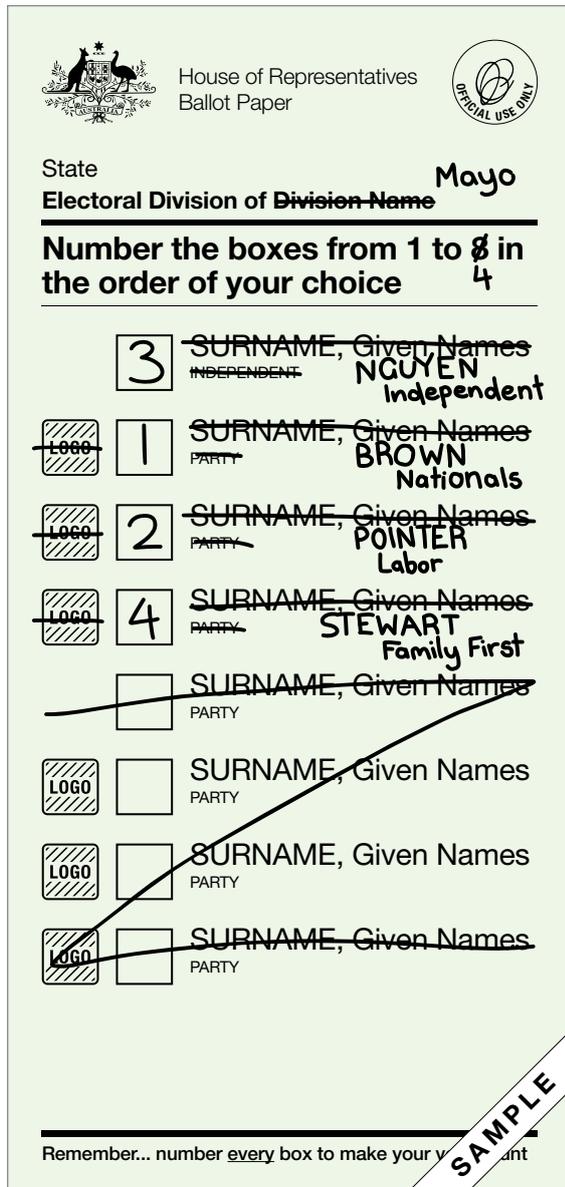
NOTE: There is no legal requirement for a ballot paper prepared by an official under s.209(6) or s.209(7) of the Electoral Act to contain a party logo and therefore the absence of a logo does not make the ballot paper informal.

However, irrespective of the way the voter has voted, the ballot paper is informal if:

- an altered ballot paper does not contain the names of every candidate for the division.
- the candidate's given names only are listed on the altered ballot paper.

Alteration by polling officials

Example – ballot paper alteration by polling official



House of Representatives
Ballot Paper

State
Electoral Division of ~~Division Name~~ **Mayo**

Number the boxes from 1 to 8 in the order of your choice **4**

3 ~~SURNAME, Given Names~~ **NGUYEN**
INDEPENDENT **Independent**

~~LOGO~~ 1 ~~SURNAME, Given Names~~ **BROWN**
PARTY **Nationals**

~~LOGO~~ 2 ~~SURNAME, Given Names~~ **POINTER**
PARTY **Labor**

~~LOGO~~ 4 ~~SURNAME, Given Names~~ **STEWART**
PARTY **Family First**

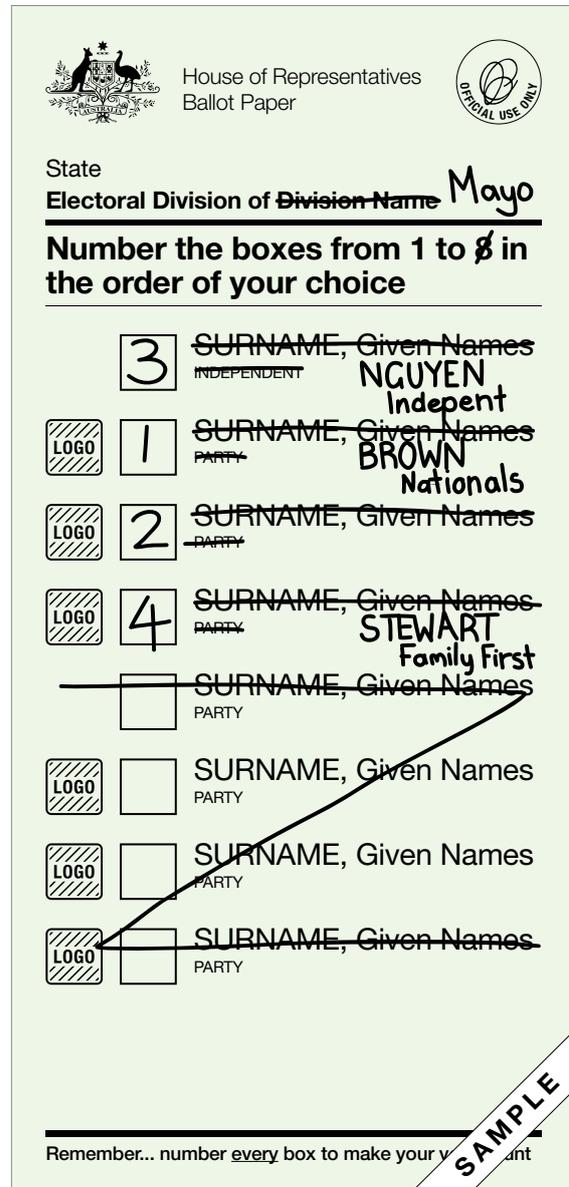
~~LOGO~~ ~~SURNAME, Given Names~~
PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper is formal

All surnames are different. That is, the ballot paper has been altered with the candidates' surnames only and no two candidates share a surname.



House of Representatives
Ballot Paper

State
Electoral Division of ~~Division Name~~ **Mayo**

Number the boxes from 1 to 8 in the order of your choice

3 ~~SURNAME, Given Names~~ **NGUYEN**
INDEPENDENT **Indepent**

~~LOGO~~ 1 ~~SURNAME, Given Names~~ **BROWN**
PARTY **Nationals**

~~LOGO~~ 2 ~~SURNAME, Given Names~~
PARTY

~~LOGO~~ 4 ~~SURNAME, Given Names~~ **STEWART**
PARTY **Family First**

~~LOGO~~ ~~SURNAME, Given Names~~
PARTY

Remember... number every box to make your vote count

SAMPLE

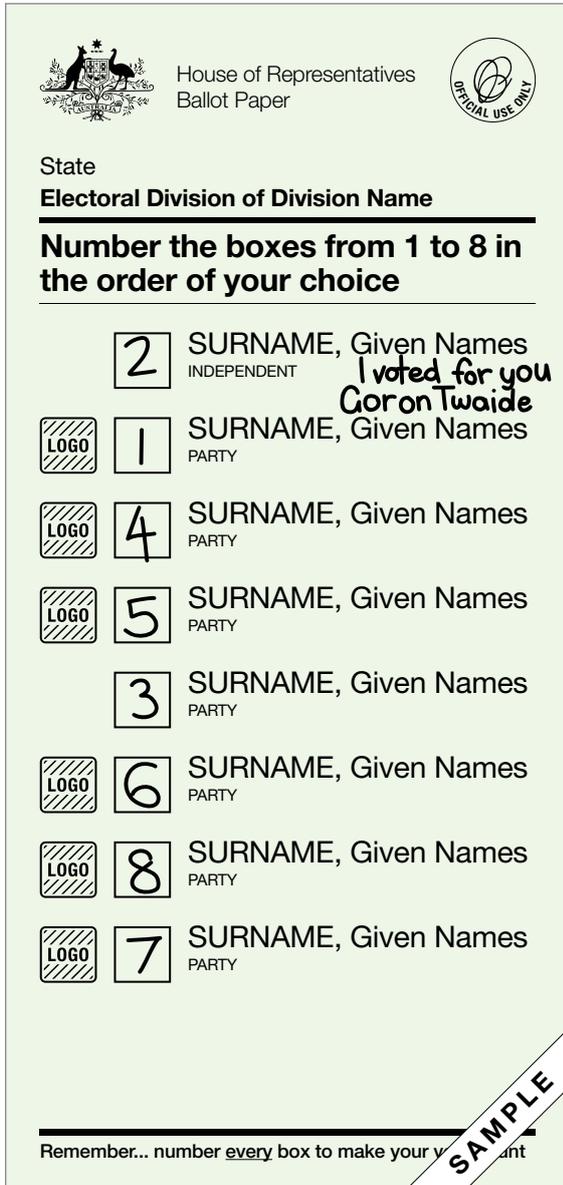
This ballot paper is informal.

There is no candidate's name beside the third box.

Identification of voter

A ballot paper that has been marked in a way that could identify the voter should be presented to the DRO in the case of HoR and Referendum ballot papers and to the AEO in the case of Senate ballot papers to decide on formality.

Example – ballot paper that may identify a voter



House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2 SURNAME, Given Names
INDEPENDENT *I voted for you
Coron Twaide*

LOGO 1 SURNAME, Given Names
PARTY

LOGO 4 SURNAME, Given Names
PARTY

LOGO 5 SURNAME, Given Names
PARTY

3 SURNAME, Given Names
PARTY

LOGO 6 SURNAME, Given Names
PARTY

LOGO 8 SURNAME, Given Names
PARTY

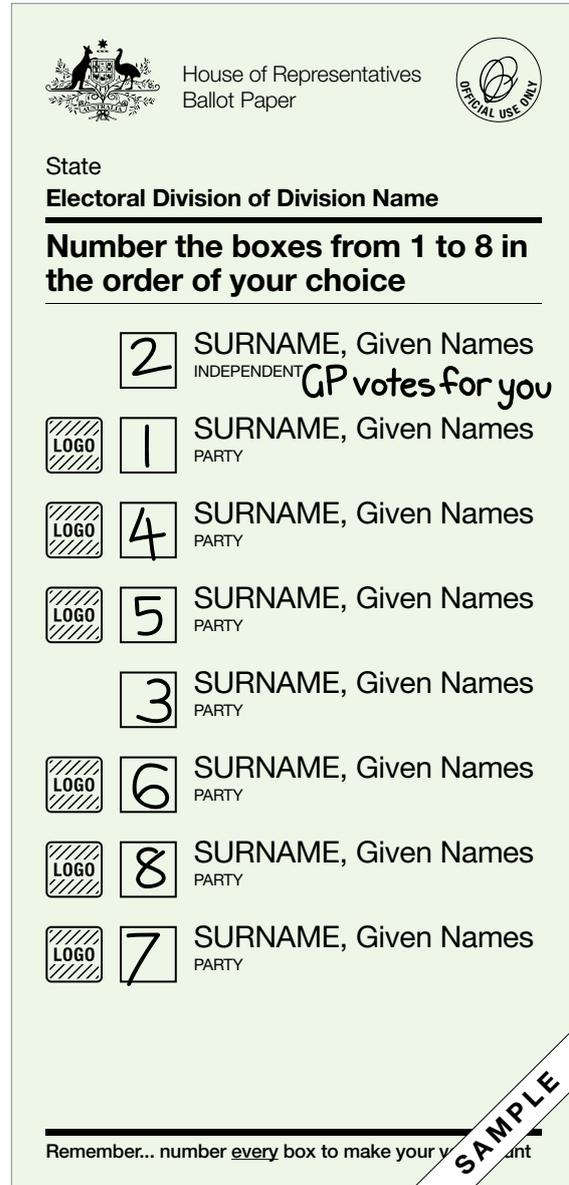
LOGO 7 SURNAME, Given Names
PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper may be informal

If, in the opinion of the DRO, there is sufficient writing on the ballot paper to uniquely identify the voter, the ballot paper is informal.



House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2 SURNAME, Given Names
INDEPENDENT *GP votes for you*

LOGO 1 SURNAME, Given Names
PARTY

LOGO 4 SURNAME, Given Names
PARTY

LOGO 5 SURNAME, Given Names
PARTY

3 SURNAME, Given Names
PARTY

LOGO 6 SURNAME, Given Names
PARTY

LOGO 8 SURNAME, Given Names
PARTY

LOGO 7 SURNAME, Given Names
PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper may be formal

If, in the opinion of the DRO there is not enough information to identify the voter the ballot paper is formal.

Ballot paper formality principles

There are five overarching principles that must be considered when interpreting the numbers on any ballot paper that has passed the initial two tests. They are:

Start from the assumption that the voter has intended to vote formally

The assumption needs to be made that an elector who has marked a ballot paper has done so with the intention to cast a formal vote.

Establish the intention of the voter and give effect to this intention

When interpreting markings on the ballot paper, these must be considered in line with the intention of the voter.

Err in favour of the franchise

In the situation where the voter has tried to submit a formal vote, i.e. the ballot paper is not blank or defaced, doubtful questions of form should wherever possible be resolved in the voter's favour.

Only have regard to what is written on the ballot paper

The intention of the voter must be unmistakable, i.e. do not assume what the voter was trying to do if it's not clear – only consider what was written on the ballot paper.

The ballot paper should be construed as a whole

By considering the number in each square as one in a series, not as an isolated number, a poorly formed number MAY be recognisable as the one missing from the series.

Lawful numbering sequence

HoR and Senate ballot papers have different numbering sequence requirements. Whether a numbering sequence is lawful will depend on the type of ballot paper. However, there are some general principles that apply to the assessment of all ballot papers:

- consecutive series of numbers
- overwriting
- acceptable forms of numbering
- empty boxes
- placement of votes
- variations in handwriting, and
- candidate name substitution.

House of Representatives guidelines

Consecutive sequence of numbers

A House of Representatives ballot paper is only formal if the voter has indicated a first preference and consecutively numbered all boxes. A number in the series may not be repeated or skipped.

If one box is left blank and all other boxes have been numbered in a consecutive sequence starting with the number '1', the paper is formal providing:

- the blank box is the last in the consecutive sequence; and
- there is no marking at all in the box.

Alterations to numbers will not make a ballot paper informal, provided the voter's intention is clear, for example a number can be crossed out and another number written beside it.

Example – consecutive numbering

House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

5  SURNAME, Given Names
INDEPENDENT

 7 SURNAME, Given Names
PARTY

 2 SURNAME, Given Names
PARTY

 6 SURNAME, Given Names
PARTY

3 SURNAME, Given Names
PARTY

 8 SURNAME, Given Names
PARTY

 4 SURNAME, Given Names
PARTY

 8 SURNAME, Given Names
PARTY

Remember... number every box to make your vote count

SAMPLE

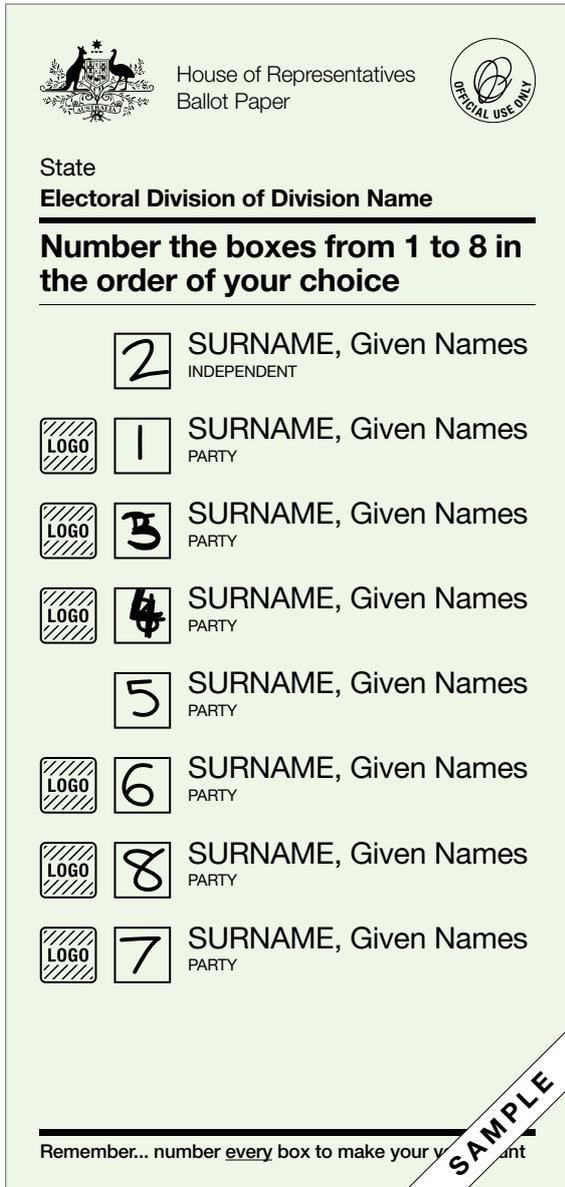
This ballot paper is formal

There are eight consecutive numbers reasonably discernable.

Overwriting

If a number is overwritten in a way that makes it impossible to read, then the ballot paper is informal.

Example – overwritten ballot paper



House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2 SURNAME, Given Names
INDEPENDENT

LOGO 1 SURNAME, Given Names
PARTY

LOGO 3 SURNAME, Given Names
PARTY

LOGO 4 SURNAME, Given Names
PARTY

5 SURNAME, Given Names
PARTY

LOGO 6 SURNAME, Given Names
PARTY

LOGO 8 SURNAME, Given Names
PARTY

LOGO 7 SURNAME, Given Names
PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper is formal

The third box is an overwritten '3', the fourth box is an overwritten '4'.



House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

5 SURNAME, Given Names
INDEPENDENT

LOGO [scribble] SURNAME, Given Names
PARTY

LOGO 1 SURNAME, Given Names
PARTY

LOGO 3 SURNAME, Given Names
PARTY

2 SURNAME, Given Names
PARTY

LOGO 6 SURNAME, Given Names
PARTY

LOGO 8 SURNAME, Given Names
PARTY

LOGO 4 SURNAME, Given Names
PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper is informal

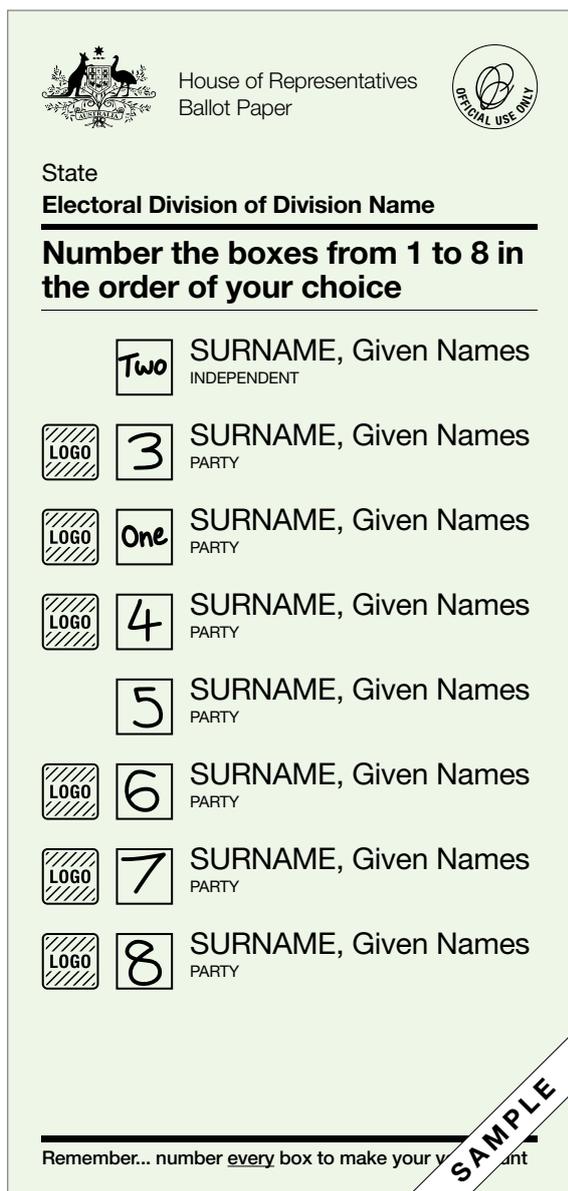
The overwriting in the second square is indecipherable

Acceptable forms of numbering

For voting in the House of Representatives, voters may use a consecutive sequence in various styles – such as: numerals (1 2 3), words (one two three), roman numerals (I II III IV), or ordinal numerals (1st 2nd 3rd). In certain cases, a mixture of numbering sequences can be used, provided that the voter’s intention is clear.

Example – numbering

In certain cases a mixture of numbering sequences can be used, provided that the voter’s intention is clear.



House of Representatives Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

<input type="checkbox"/>	Two	SURNAME, Given Names INDEPENDENT
<input type="checkbox"/>	3	SURNAME, Given Names PARTY
<input type="checkbox"/>	One	SURNAME, Given Names PARTY
<input type="checkbox"/>	4	SURNAME, Given Names PARTY
<input type="checkbox"/>	5	SURNAME, Given Names PARTY
<input type="checkbox"/>	6	SURNAME, Given Names PARTY
<input type="checkbox"/>	7	SURNAME, Given Names PARTY
<input type="checkbox"/>	8	SURNAME, Given Names PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper is formal

Numbers can be written as words or figures.



House of Representatives Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

<input type="checkbox"/>	3	SURNAME, Given Names INDEPENDENT
<input checked="" type="checkbox"/>	✓	SURNAME, Given Names PARTY
<input type="checkbox"/>	2	SURNAME, Given Names PARTY
<input type="checkbox"/>	7	SURNAME, Given Names PARTY
<input type="checkbox"/>	8	SURNAME, Given Names PARTY
<input type="checkbox"/>	5	SURNAME, Given Names PARTY
<input type="checkbox"/>	4	SURNAME, Given Names PARTY
<input type="checkbox"/>	6	SURNAME, Given Names PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper is informal

Ticks or crosses are not a valid first preference mark for HoR ballot papers.

Two Candidates only

In the case of only two candidates on a HoR ballot paper, if the voter has placed a '1' in the box beside a candidate and

- left the second box blank, or
- inserted any other number

the ballot paper will be deemed formal (s.268(1)(c) of the Electoral Act).

Empty boxes

For House of Representative ballot papers a single box may be left empty provided it is the last in the series and on the condition there is no marking in the box at all. A scribble or dot etc in the final box will result in informality if it is not recognisable as the next number in the series.

Two or more empty boxes on a House of Representatives ballot paper results in an informal vote.

Example – empty boxes on ballot paper



House of Representatives
Ballot Paper



State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

	3	SURNAME, Given Names INDEPENDENT
	2	SURNAME, Given Names PARTY
	1	SURNAME, Given Names PARTY
	4	SURNAME, Given Names PARTY
	5	SURNAME, Given Names PARTY
	6	SURNAME, Given Names PARTY
	7	SURNAME, Given Names PARTY
		SURNAME, Given Names PARTY

Remember... number every box to make your v... ant

SAMPLE

This ballot paper is informal

No discernable figure in the eighth square.



House of Representatives
Ballot Paper



State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

	1	SURNAME, Given Names INDEPENDENT
	4	SURNAME, Given Names PARTY
	2	SURNAME, Given Names PARTY
		SURNAME, Given Names PARTY
	5	SURNAME, Given Names PARTY
	3	SURNAME, Given Names PARTY
	6	SURNAME, Given Names PARTY
		SURNAME, Given Names PARTY

Remember... number every box to make your v... ant

SAMPLE

This ballot paper is informal

There are two empty boxes.

Placement of votes

The vote can be made inside the box or beside the box/candidate name, provided the intention of the voter is clear.

Example – placement of votes


House of Representatives
Ballot Paper


State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	6	SURNAME, Given Names INDEPENDENT
	1	SURNAME, Given Names PARTY
	5	SURNAME, Given Names PARTY
	4	SURNAME, Given Names PARTY
<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	3	SURNAME, Given Names PARTY
	2	SURNAME, Given Names PARTY
	8	SURNAME, Given Names PARTY
	7	SURNAME, Given Names PARTY

Remember... number every box to make your vote count


House of Representatives
Ballot Paper


State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	2	SURNAME, Given Names INDEPENDENT
	1	SURNAME, Given Names PARTY
	4	SURNAME, Given Names PARTY
	5	SURNAME, Given Names PARTY
<input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	3	SURNAME, Given Names PARTY
	6	SURNAME, Given Names PARTY
	8	SURNAME, Given Names PARTY
	7	SURNAME, Given Names PARTY

Remember... number every box to make your vote count

This ballot paper is formal

The figure in the eighth square reasonably resembles a '7'.

This ballot paper is formal

There is a consecutive series of discernable numbers beginning with '1' and the voter's intention is clear.

Variations in handwriting

Unconventional but recognisable variations in handwriting, such as placing a stroke through the vertical stem of the number '7' or an upward angular stroke before the familiar vertical stroke on the number '1', should not result in a ballot paper being informal, provided any variations result in a series of numbers and the voter's intention is clear.

Example – variations in handwriting

House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

6 SURNAME, Given Names
INDEPENDENT

LOGO 2 SURNAME, Given Names
PARTY

LOGO 5 SURNAME, Given Names
PARTY

LOGO 1 SURNAME, Given Names
PARTY

3 SURNAME, Given Names
PARTY

LOGO 7 SURNAME, Given Names
PARTY

LOGO 8 SURNAME, Given Names
PARTY

LOGO 4 SURNAME, Given Names
PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper is formal

The figure in the fourth box reasonably resembles a '1'.

House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

5 SURNAME, Given Names
INDEPENDENT

LOGO 4 SURNAME, Given Names
PARTY

LOGO 3 SURNAME, Given Names
PARTY

LOGO 2 SURNAME, Given Names
PARTY

1 SURNAME, Given Names
PARTY

LOGO 0 SURNAME, Given Names
PARTY

LOGO 7 SURNAME, Given Names
PARTY

LOGO 6 SURNAME, Given Names
PARTY

Remember... number every box to make your vote count

SAMPLE

This ballot paper is formal

There is a consecutive series of discernable numbers beginning with '1', and the voter's intention is clear.

Candidate name substitution

If the voter crosses out or replaces a candidate's name on a ballot paper, that ballot paper is informal unless the square adjacent to the substitute candidate name is left blank or given the last preference in which case section 268(1)(c) of the Electoral Act would likely permit the HoR ballot paper being considered formal.

Note that this does not include cases where a fully printed ballot paper is altered to become a ballot paper for another division by a polling official.

If a candidate name has been added to the ballot paper by the voter and been allocated any number except the last number, the vote is informal.

Example – candidate name substitution

House of Representatives Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2	SURNAME, Given Names INDEPENDENT
1	SURNAME, Given Names PARTY
4	SURNAME, Given Names PARTY
5	SURNAME, Given Names PARTY
3	SURNAME, Given Names PARTY
6	SURNAME, Given Names PARTY
8	SURNAME, Given Names PARTY
7	SURNAME, Given Names PARTY
9	Donald Duck

Remember... number every box to make your vote valid

SAMPLE

This ballot paper is formal

The voter has indicated consecutive preferences for all nominated candidates commencing with the number '1'.

House of Representatives Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2	SURNAME, Given Names INDEPENDENT
1	SURNAME, Given Names PARTY
4	SURNAME, Given Names PARTY
5	SURNAME, Given Names PARTY
3	SURNAME, Given Names PARTY
6	SURNAME, Given Names PARTY
8	SURNAME, Given Names Donald Duck
7	SURNAME, Given Names Mickey Mouse

Remember... number every box to make your vote valid

SAMPLE

This ballot paper is informal

The voter has not indicated a preference for all the candidates in the election.

House of Representatives Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2	SURNAME, Given Names INDEPENDENT
9	SURNAME, Given Names PARTY
4	SURNAME, Given Names PARTY
3	SURNAME, Given Names PARTY
5	SURNAME, Given Names PARTY
6	SURNAME, Given Names PARTY
8	SURNAME, Given Names PARTY
7	SURNAME, Given Names PARTY
1	Donald Duck

Remember... number every box to make your vote valid

SAMPLE

This ballot paper is informal

The voter has not indicated a valid first preference.

Senate guidelines

Consecutive sequence of numbers

Above the line

For an above the line vote (ATL), voters are instructed to consecutively number at least 6 boxes above the black line, in the order of their preference, commencing with the number '1'. By voting in this way, voters are preferencing the individual candidates within a group in the order in which they appear on the ballot paper. However, where a voter consecutively numbers fewer than 6 boxes, (including only one box with a first preference) the ballot paper will still be formal, but will exhaust after the last consecutive number.

Below the line

For a below the line vote (BTL), voters are instructed to consecutively number at least 12 boxes alongside individual candidates in order of their preference commencing with the number '1'. They may continue to express further preferences if they wish.

Where there are more than 6 candidates, the ballot paper will still be formal if the voter has consecutively numbered the boxes 1 to 6. In effect the minimum formality threshold for a BTL vote is the expression of the numbers (preferences) 1, 2, 3, 4, 5, 6 with no duplications or missing numbers.

Note: s.268A(2)(a) of the Electoral Act would permit the number '1' being expressed as either a singular tick or cross e.g. X, 2, 3, 4, 5, 6,

Disclaimer: All the Senate formality examples in this publication are for the 'Election of 6 Senators' in a state. In the event of a double dissolution election the Senate ballot paper for each state will be for the 'Election of 12 Senators'.

Example – ATL Senate vote

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
 By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 5 PARTY	 3 PARTY	  1 PARTY	 2 PARTY	 7 PARTY	  4 PARTY	6	

Or
Below the line
 By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	UNGROUPED						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						

SAMPLE

This ballot paper is formal

The voter's intention is clear. There is a consecutive sequence in a least 6 boxes (from 1 to 7).

Example – BTL Senate vote

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
 By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 <input type="checkbox"/>	 <input type="checkbox"/>	  <input type="checkbox"/>	 <input type="checkbox"/>	 <input type="checkbox"/>	  <input type="checkbox"/>	<input type="checkbox"/>	

Or
Below the line
 By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	4 SURNAME Given Names PARTY	1 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	9 SURNAME Given Names	7 SURNAME Given Names INDEPENDENT
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	5 SURNAME Given Names PARTY	2 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	10 SURNAME Given Names	8 SURNAME Given Names INDEPENDENT
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	6 SURNAME Given Names PARTY	3 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	11 SURNAME Given Names	
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY					12 SURNAME Given Names	

SAMPLE

This ballot paper is formal

The voter has indicated their preferences by the consecutive numbers 1 to 12.

Example – ATL Senate vote

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways

Either

Above the line
By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 PARTY	 PARTY	  PARTY	 PARTY	 PARTY	  PARTY		

Or

Below the line
By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME INDEPENDENT
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME INDEPENDENT
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY		 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	
	 SURNAME Given Names PARTY					 SURNAME Given Names PARTY	

SAMPLE

This ballot paper is formal

While the voter has not complied with the requirements of s.239 of the Electoral Act to number at least six boxes, provided there are no other mistakes, 'vote saving' provisions mean ballot papers marked above the line with a number one only (or a sequence of numbers less than six) will be included in the count.

Example – BTL Senate vote

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways

Either

Above the line
By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 PARTY	 PARTY	  PARTY	 PARTY	 PARTY	  PARTY		

Or

Below the line
By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
4 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	1 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME INDEPENDENT
5 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	2 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME INDEPENDENT
6 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 SURNAME Given Names PARTY		3 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	
	 SURNAME Given Names PARTY					 SURNAME Given Names PARTY	

SAMPLE

This ballot paper is formal

While the voter has not complied with the requirements of s.239 of the Electoral Act to number at least twelve boxes, provided there are no other mistakes, 'vote saving' provisions mean ballot papers marked below the line with at least six consecutive preferences commencing with the number one (or a consecutive sequence less than twelve) will be included in the count.

Overwriting

If a number is overwritten in a way that makes it impossible to read, then the ballot paper is informal.

Example – overwritten ballot paper – BTL Senate

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
LOGO PARTY	LOGO PARTY	LOGO LOGO PARTY	LOGO PARTY	LOGO PARTY	LOGO LOGO PARTY		

Or
Below the line
By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
8 SURNAME Given Names PARTY	11 SURNAME Given Names PARTY	15 SURNAME Given Names PARTY	1 SURNAME Given Names PARTY			4 SURNAME Given Names	
10 SURNAME Given Names PARTY	12 SURNAME Given Names PARTY	16 SURNAME Given Names PARTY	2 SURNAME Given Names PARTY			6 SURNAME Given Names	
9 SURNAME Given Names PARTY	13 SURNAME Given Names PARTY	17 SURNAME Given Names PARTY	3 SURNAME Given Names PARTY			5 SURNAME Given Names	
	14 SURNAME Given Names PARTY					7 SURNAME Given Names	

SAMPLE

This ballot paper is formal

Even though the voter has overwritten two numbers, their intention to number the second and third candidates in Group G with their sixth and fifth preference is clear.

If the overwriting was not clear enough to determine the voter's intention, the ballot paper would be informal because the voter has not expressed consecutive preferences for at least 6 candidates. If the same situation occurred for preference numbers higher than 6, the ballot paper would be formal, but exhaust where there is clear contention over the number sequence.

Acceptable forms of numbering

For voting ATL and BTL in the Senate, voters may use a consecutive series in various styles – such as: numerals (1 2 3), words (one two three), roman numerals (I II III IV), or ordinal numerals (1st 2nd 3rd). In certain cases, a mixture of numbering sequences can be used, provided that the voter’s intention is clear.

Example – numbering – BTL Senate



Senate Ballot Paper
State – Election of 6 Senators



You may vote in one of two ways

Either

Above the line

By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	  <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	  <input type="checkbox"/> PARTY	<input type="checkbox"/>	

Or

Below the line

By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	 SURNAME Given Names INDEPENDENT
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	 SURNAME Given Names INDEPENDENT
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	 SURNAME Given Names PARTY		<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY
	 SURNAME Given Names PARTY					<input type="checkbox"/> SURNAME Given Names PARTY	

SAMPLE

This ballot paper is formal

Example – use of a tick or cross – ATL Senate

Unlike in the HoR, for voting ATL and BTL in the Senate, ticks or crosses are acceptable as a first preference mark in lieu of the number ‘1’. Only one tick or cross or number ‘1’ may be used to indicate the voter’s first preference.

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either

Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
<input type="checkbox"/>	5	6	X	2	4	3	
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		

Or

Below the line
By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		UNGROUPED
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						

SAMPLE

This ballot paper is formal

There is a single first preference mark (a cross) ATL and consecutive preferences from 2 to 6.

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either

Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
4	2	X	3	5	6	✓	
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		

Or

Below the line
By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		UNGROUPED
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						

SAMPLE

This ballot paper is informal

The voter’s intention is not clear because there are two first preference marks (both a tick and a cross) ATL.

Missing or repeated numbers

In certain circumstances, a ballot paper with missing or repeated numbers will still be formal. The legislation contains vote 'savings' provisions.

The ATL voter has to mark the number '1', or the number '1' and one or more higher numbers (s.268A(1)(b) of the Electoral Act).

The BTL voter has to consecutively number at least their first 6 preferences (s.268A1(b) of the Electoral Act).

Example – missing numbers – ATL Senate



Senate Ballot Paper
State – Election of 6 Senators



You may vote in one of two ways

Either

Above the line

By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 2	 7	 1	 5	 6	 3	8	
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		

Or

Below the line

By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	UNGROUPED							
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT							
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT							
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT							

SAMPLE

This ballot paper is formal

However, because the voter's fourth preference is missing only the first three preferences will be included in the count. The preferences numbered 5 to 8 will be disregarded.

Example – repeated numbers – ATL Senate

Senae Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 PARTY	 PARTY	  PARTY	 PARTY	 PARTY	  PARTY	<input type="checkbox"/>	
Or							
Below the line By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).							
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT

SAMPLE

This ballot paper is informal

The voter's intention is not clear. The repeated first preference means that no boxes have been numbered.

Example – missing numbers – BTL Senate

Senae Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 PARTY	 PARTY	  PARTY	 PARTY	 PARTY	  PARTY	<input type="checkbox"/>	
Or							
Below the line By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).							
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
9 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	7 SURNAME Given Names PARTY	11 SURNAME Given Names PARTY	3 SURNAME Given Names INDEPENDENT
13 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	8 SURNAME Given Names PARTY	12 SURNAME Given Names PARTY	4 SURNAME Given Names INDEPENDENT
14 SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	5 SURNAME Given Names INDEPENDENT
	<input type="checkbox"/> SURNAME Given Names PARTY						6 SURNAME Given Names INDEPENDENT

SAMPLE

This ballot paper is formal

However the missing number '10' breaks the voter's preference sequence, so only the boxes marked 1 to 9 can be included in the count. The remaining preferences are disregarded.

Placement of votes

The vote can be made inside the box or beside the box/candidate name on a Senate ballot paper, provided the intention of the voter is clear.

Example – placement of votes – ATL Senate



Senate Ballot Paper
State – Election of 6 Senators



You may vote in one of two ways

Either

Above the line

By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	
5		2	1	3	4	6	
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		

Or

Below the line

By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	UNGROUPED						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						

SAMPLE

This ballot paper is formal

The voter's intention is clear.

Example – placement of votes – BTL Senate



Senate Ballot Paper
State – Election of 6 Senators



You may vote in one of two ways

Either

Above the line
By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	<input type="checkbox"/>	<input type="checkbox"/>

Or

Below the line
By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	UNGROUPED						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
	<input type="checkbox"/> SURNAME Given Names PARTY						

SAMPLE

This ballot paper is formal

There is a consecutive series of discernable numbers from 1 to 12. The voter's intention is clear.

Variations in handwriting

Unconventional but recognisable variations in handwriting, such as placing a stroke through the vertical stem of the number '7' or an upward angular stroke before the familiar vertical stroke on the number '1', should not result in a ballot paper being informal, provided any variations result in a series of numbers and the voter's intention is obvious.

Example – variations in handwriting – ATL Senate



Senate Ballot Paper
State – Election of 6 Senators



You may vote in one of two ways

Either

Above the line

By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
  PARTY	  PARTY	   PARTY	  PARTY	  PARTY	   PARTY		

Or

Below the line

By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	UNGROUPED						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						
<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT						

SAMPLE

This ballot paper is formal

The figure in the third box reasonably resembles a '1'.

Group or candidate name substitution

If the voter crosses out or replaces a political party or group's name or a candidate's name on a ballot paper, that ballot paper may be informal.

Example – group name substitution – ATL Senate

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
6	4	3	1	2	5		
PARTY	PARTY	PARTY	Party Mickey Mouse	Party Donald Duck	PARTY		

Or
Below the line
By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		UNGROUPED
SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT						
SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT						
SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT						
	SURNAME Given Names PARTY				SURNAME Given Names PARTY	SURNAME Given Names PARTY	
						SURNAME Given Names PARTY	

SAMPLE

This ballot paper is informal

The voter has not indicated a valid first preference for any available group.

Example – candidate name substitution – BTL Senate

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
<input type="checkbox"/>							
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		

Or
Below the line
By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		UNGROUPED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 SURNAME Given Names PARTY	4 SURNAME Given Names PARTY	SURNAME Given Names PARTY	3 SURNAME Given Names PARTY	SURNAME Given Names PARTY	8 SURNAME Given Names PARTY	SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT
12 SURNAME Given Names PARTY	5 SURNAME Given Names PARTY	SURNAME Given Names PARTY	2 SURNAME Given Names PARTY	SURNAME Given Names PARTY	9 SURNAME Given Names PARTY	SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT
SURNAME Given Names PARTY	6 SURNAME Given Names PARTY	SURNAME Given Names PARTY	1 SURNAME Given Names PARTY	SURNAME Given Names PARTY	10 SURNAME Given Names PARTY	SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT
	7 SURNAME Given Names PARTY		SURNAME Given Names PARTY Mickey Mouse				

SAMPLE

This ballot paper is informal

The voter has not indicated a valid first preference for any of the available candidates.

Example – candidate name substitution – BTL Senate

Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways
Either
Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G	
<input type="checkbox"/>							
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		

Or
Below the line
By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY		UNGROUPED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 SURNAME Given Names PARTY	1 SURNAME Given Names PARTY	10 SURNAME Given Names PARTY	11 SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT			
6 SURNAME Given Names PARTY	2 SURNAME Given Names PARTY	9 SURNAME Given Names PARTY	SURNAME Given Names PARTY	SURNAME Given Names PARTY	SURNAME Given Names PARTY	SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT
7 SURNAME Given Names PARTY	3 SURNAME Given Names PARTY	8 SURNAME Given Names PARTY	12 SURNAME Given Names PARTY	SURNAME Given Names INDEPENDENT			
	4 SURNAME Given Names PARTY						
	SURNAME Given Names PARTY Donald Duck						
	SURNAME Given Names PARTY Mickey Mouse						

SAMPLE

This ballot paper is informal

By expressing preferences for “substituted candidates” the voter has not complied with the minimum requirement to express at least six consecutive preferences from 1 to 6.



You may vote in one of two ways

Either

Above the line

By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G
 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	 <input type="checkbox"/> PARTY	<input type="checkbox"/>

Or

Below the line

By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
5 <input type="checkbox"/> SURNAME Given Names PARTY	1 <input type="checkbox"/> SURNAME Given Names PARTY	10 <input type="checkbox"/> SURNAME Given Names PARTY	11 <input type="checkbox"/> SURNAME Given Names PARTY	1 <input type="checkbox"/> SURNAME Given Names PARTY <i>Donald Duck</i>	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT
6 <input type="checkbox"/> SURNAME Given Names PARTY	2 <input type="checkbox"/> SURNAME Given Names PARTY	9 <input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	2 <input type="checkbox"/> SURNAME Given Names PARTY <i>Mickey Mouse</i>	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT
7 <input type="checkbox"/> SURNAME Given Names PARTY	3 <input type="checkbox"/> SURNAME Given Names PARTY	8 <input type="checkbox"/> SURNAME Given Names PARTY	12 <input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/> SURNAME Given Names INDEPENDENT
<input type="checkbox"/>	4 <input type="checkbox"/> SURNAME Given Names PARTY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SAMPLE

This ballot paper is formal

While the voter has substituted the names of two candidates, they are additional marks and are disregarded. The voter has not expressed any preference for the 'substitute candidates' so the additional marks are irrelevant to the consideration of formality. The voter has complied with the requirement to mark the ballot paper in accordance with s.239(1) of the Electoral Act.

Referendum guidelines

Referendum ballot paper tests

For further information on the formality of Referendum votes, please refer to [Ballot paper formality guidelines](#).

Allocation of preferences

The Act

Part XVIII, 'The scrutiny'

This chapter describes in some detail the different processes during the scrutiny for determining the successful candidates. It will be most useful to those who are acting as scrutineers for the first time at this election. The better your understanding of the voting system and counting procedures, the more effective you are likely to be as a scrutineer.

As a scrutineer, you have an essential role to play in observing that all due process is followed on behalf of your candidate until the result is declared.

Fresh scrutiny and DRO Senate Count

After election day, upon receipt of ballot papers from the officers-in-charge/AROs, the DRO conducts a fresh scrutiny, or re-check, of ballot papers. This proceeds separately for the HoR ballot and the DRO Senate Count.

More than 85 per cent of the total HoR formal vote, including early votes, is counted on election night. The remainder, comprising of postal, absent, provisional and early declaration votes, cannot be counted until after election night.

The actual scrutiny of Senate ballot papers is done by the AEO at the CSS centre in the weeks following election night. Scrutineers have the same rights and responsibilities at the CSS as they have at a HoR scrutiny undertaken by the DRO.

House of Representatives

The Act, s.274

The system of voting used for HoR elections is a full preferential voting system. The voter must indicate a preference for all candidates on the ballot paper. This system has been used in Australian federal elections since 1918.

The system of counting votes for the HoR requires a candidate to obtain an absolute majority (more than 50 per cent of the formal votes) to be elected.

Firstly, all the number '1' formal first preference votes are counted for each candidate. If no candidate has an absolute majority of first preference votes, counting of votes then proceeds as outlined below.

A full distribution of preferences takes place in every division, even where a candidate has an absolute majority of first preference votes.

Step 1: The candidates are ranked according to how many formal first preference votes they have received in the election.

Step 2: If no candidate has an absolute majority, the candidate who has received the fewest first preference votes is excluded and all the ballot papers held by that candidate are transferred to the continuing candidates, according to the next available preference expressed on each ballot paper.

Step 3: The process of excluding the candidate who has the fewest votes continues until a single candidate has an absolute majority of the votes.

Step 4: The candidate who has an absolute majority of votes is elected.

Example of a distribution of preferences: Division of Lowe – (2007 Federal Election)

	Rerceretnam, Marc (GRN)		Murphy, John (ALP)		Shailer, Bill (CDP)		Tsolakis, Jim (LP)		
Count	Votes	%	Votes	%	Votes	%	Votes	%	Total
First	6 774	8.61	38 766	49.27	1 616	2.05	31 518	40.06	78 674
Second	230		572		EXCLUDED		814		1 616
Total	7 004	8.90	39 338	50.00			32 332	41.10	78 674
Third	EXCLUDED		5 798				1 206		7 004
Total			45 136	57.37			33 538	42.63	78 674
			ELECTED				UNSUCCESSFUL		

In cases where the distribution of preferences is required to determine the result, this does not normally occur until 13 days have elapsed after election day, to allow for the receipt of postal votes.

The AEO for a state or territory may, however, direct a DRO to conduct a provisional scrutiny of preferences as part of the fresh scrutiny.

A simplified example of how the system works is shown on the following page.

Two-candidate-preferred count

The result of the full distribution of preferences is used to calculate the two-candidate-preferred statistics.

Two-party-preferred count

In divisions that do not have Australian Labor Party (ALP) and Coalition candidates as the final two candidates, a 'Scrutiny for Information' is conducted to determine the two-party-preferred result.

A 'Scrutiny for Information', in these cases, is a notional distribution of preferences to find the result of preference flows to the ALP and Coalition candidates.

Tied result

If there is a tied result on the final count, there is an immediate fresh scrutiny of votes and a fresh scrutiny of all rejected declaration votes.

If one candidate then receives an absolute majority of votes, the DRO declares the result accordingly. If not, the DRO shall give to the Electoral Commissioner written notice that the election cannot be decided.

The Act, ss.274(9C) and 357(1A)

If the fresh scrutinies confirm the deadlock, the DRO advises the Electoral Commissioner that the election cannot be decided. The Electoral Commissioner must then file a petition disputing the election result with the Court of Disputed Returns.

Senate

The Act, s.273

A system of proportional representation is used to elect six senators from each state and two senators from each territory in a half-Senate election. The voting method used for Senate elections is an optional preferential system. At a Double Dissolution election, 12 Senators from each State are elected.

The AEO conducts the Senate scrutiny and the distribution of preferences by a computer process.

The essential features of the Senate system are as follows:

1. To be elected, candidates must secure a quota of votes.
2. Should a candidate gain an exact quota, they are declared elected and their ballot papers are set aside as finally dealt with. A candidate who receives more than a quota is said to have surplus votes.
3. Should more than one candidate be elected at the same count, the candidate with the largest surplus is said to be elected first, the candidate with the second largest surplus is said to be elected second, and so on.
4. For each candidate elected with a surplus, commencing with the candidate elected first, a transfer value is calculated on all their ballot papers.
5. The transfer value is determined by dividing the number of surplus votes received by the candidate by the total number of ballot papers received by the candidate. The result will be a number between 0 and 1.
6. All the candidate's ballot papers are then re-examined, and the number showing a next available preference for each continuing candidate is determined. For each continuing candidate, the number of ballot papers is multiplied by the transfer value. The resulting numbers, ignoring any fractional remainders, are added to the continuing candidates' respective progressive totals of votes.
7. Where a transfer of ballot papers raises the number of votes obtained by a candidate up to the quota, that candidate is elected. No more ballot papers are transferred to that elected candidate at any subsequent count.
8. When all surpluses have been distributed, and vacancies remain to be filled, and the number of continuing candidates exceeds the number of unfilled vacancies, exclusion of candidates commences.
9. Steps (4), (5), and (6) are continued, as necessary, until either all vacancies are filled or the number of candidates continuing in the count is equal to the number of vacancies remaining to be filled. In the latter case, the remaining candidates are declared elected.

The quota

Senate candidates must gain a quota of the formal votes to be elected.

The quota is calculated by dividing the total number of formal ballot papers by one more than the number of vacancies, and then adding one to the result (ignoring any remainder).

Election below quota

If two candidates remain in the scrutiny and there is only one vacancy to fill, the continuing candidate with the larger number of votes is elected, even if that number is below the quota. This can happen if the election result is so close, and so many ballot papers have been set aside as exhausted, that it becomes mathematically impossible for any continuing candidate to reach a quota.

Tied result

The Act, s.273(17)

In the event candidates are tied for exclusion and there is no previous count where one candidate was in front of the other, the AEO is required to determine the order of exclusion. The order will be requested when the distribution of preferences is conducted.

In the event candidates are tied for election, the AEO has a casting vote but does not otherwise vote at the Senate election.

Appendix 1: Offences

Scrutineer offences

The Act describes certain offences that relate particularly to scrutineers.

Offence	Penalty	Comment
<i>Commonwealth Electoral Act 1918 and Referendum (Machinery Provisions) Act 1984</i>		
ss.218(1) and (3) (s.28 Referendum Act)	Interfering with or attempting to influence any elector within the polling place or communicating with any person in the polling place except as is necessary in the discharge of the scrutineer's functions A scrutineer who commits such a breach, or is guilty of misconduct or fails to obey the lawful directions of the officer in charge may be removed from the polling place by the police or a person authorised by the officer in charge	\$1 000 or six months imprisonment, or both
s.323 (s.116 Referendum Act)	Disclosing any information acquired concerning the vote of any elector in a manner that is likely to enable identification of the elector	\$1 000 or six months imprisonment, or both Applies to AEC officers and scrutineers
s.335 (s.126 Referendum Act)	Exhibiting or leaving in any polling place any card or paper that directs or instructs an elector how to vote	Does not apply to official instructions exhibited by proper authority at a polling place
s.341(1) (s.132 Referendum Act)	Wearing or displaying a badge or emblem of a candidate or political party in a polling place	\$1 000 Applies to AEC officers and scrutineers
ss.348(1)(a) and (b) (s.135 Referendum Act)	Engaging in misconduct or failing to obey any lawful direction of the person in charge Applies to anyone at a polling place or counting centre	\$500 Applies to any early voting centre, any polling place on election day or any counting centre. An offender may be removed by the police or anyone else authorised by the person in charge

Other offences

Scrutineers, party workers and other supporters of the candidate should also be aware of various other acts and omissions that constitute an offence during the polling period.

	Offence	Penalty	Comment
<i>Commonwealth Electoral Act 1918 and Referendum (Machinery Provisions) Act 1984</i>			
s.339(1)(c) (s.130(1)(b) Referendum Act)	Fraudulently doing an act that results in the destruction or defacement of any nomination paper or ballot paper	Six months imprisonment	
s.339(1)(d) (s.130(1)(d) Referendum Act)	Fraudulently putting any ballot paper or other paper into the ballot box	Six months imprisonment	
s.339(1)(e) (s.130(1)(d) Referendum Act)	Fraudulently taking any ballot paper out of any polling place or counting centre	Six months imprisonment	
s.339(1)(g) (s.130(1)(f) Referendum Act)	Supplying ballot papers without authority	Six months imprisonment	
s.339(1)(h) (s.130(1)(g) Referendum Act)	Doing an act that results in the unlawful destruction of, taking of, opening of, or interference with, ballot boxes or ballot papers	Six months imprisonment	
s.339(1A) (s.130 (1A) Referendum Act)	Voting more than once in the same election	10 penalty units. Section 4AA of the <i>Crimes Act 1914</i> determines the dollar (\$) value of a penalty unit.	
s.339(1C) (s.130(1C) Referendum Act)	Intentionally voting more than once in the same election	60 penalty units or 12 months imprisonment, or both. Section 4AA of the <i>Crimes Act 1914</i> determines the dollar (\$) value of a penalty unit	
s.339(2) (s.130(2) Referendum Act)	Engaging in any act that results in the defacement, mutilation, destruction or removal of any notice, list or other document affixed by, or by the authority of, any DRO	\$500	

Polling place offences

The following acts are prohibited within six metres of the entrance of a polling place on election day or within six metres of a mobile polling team. These provisions apply to party workers, scrutineers and candidates' representatives.

When a building used as a polling place is situated in enclosed grounds and the DRO has authorised the officer in charge to display a notice signed by the DRO at each entrance stating that the grounds are part of the polling place, those grounds are considered to be part of the polling place for the purposes of these offences.

Offence	Penalty	Comment	
<i>Commonwealth Electoral Act 1918 and Referendum (Machinery Provisions) Act 1984</i>			
s.340(1)(a) (s.131 Referendum Act)	Canvassing for votes	\$500	Consequently, party workers and supporters distributing how-to-vote cards must keep off polling place premises or grounds, and only hand out how-to-vote cards to electors outside the six metre limit
s.340(1)(b) (s.131 Referendum Act)	Soliciting the vote of any elector	\$500	
s.340(1)(c) (s.131 Referendum Act)	Inducing an elector not to vote for a particular candidate	\$500	
s.340(1)(d) (s.131 Referendum Act)	Inducing an elector not to vote at the election	\$500	
s.340(1)(e) (s.131 Referendum Act)	Exhibiting any notice or sign (other than an official notice) relating to the election	\$500	

These acts are also prohibited on election day if they involve broadcasting by electronic equipment and are clearly audible within six metres of the entrance to a polling place.

For example, a person who is using a loudspeaker or radio equipment attached to a car to solicit for votes will breach the provision if the car drives past a polling place and the loudspeaker broadcast can be heard at the polling place entrance even if the road is 20 metres away from the polling place.

A person found guilty of this offence can be fined up to 5 penalty units.

Offences under crime legislation

There are also offence provisions in the Commonwealth Criminal Code and the *Crimes Act 1914* that are relevant to the election process. These include forgery (Criminal Code, Part 7.7), false or misleading statements (Criminal Code, Part 7.4) and unlawful destruction of Commonwealth property (Crimes Act, s.29).

Appendix 2: Postal voting

Eligibility

The Act, s.183 and Schedule 2

The Act states that an elector is entitled to apply for a postal vote if:

- throughout the hours of polling on polling day, the elector will be absent from the electoral division for which the elector is enrolled,
- the elector will not, at any time during the hours of polling on polling day, be within eight (8) kilometres by the nearest practicable route of any polling place in the state or territory for which the elector is enrolled,
- throughout the hours of polling on polling day, the elector will be travelling under conditions that will prevent the elector attending a polling place in the state or territory for which the elector is enrolled,
- the elector will be unable to attend a polling place on polling day because of:
 - serious illness,
 - infirmity,
 - approaching childbirth, or
 - a reasonable fear for their personal wellbeing or safety
- on election day, the elector will be unable to attend a polling place because the elector will be at a place (other than a hospital) caring for a person who is seriously ill or infirm or who is expected shortly to give birth,
- throughout the hours of polling on election day, the elector will be a patient at a hospital and unable to vote at the hospital,
- because of the elector's religious beliefs or membership of a religious order, the elector:
 - is precluded from attending a polling place, or
 - for the greater part of the hours of polling on election day, is precluded from attending a polling place

- on election day, the elector is in prison serving a sentence of less than three years or otherwise under detention (please note that not all people in prison or under detention are eligible to vote),
- the elector's address has been excluded from the roll (silent elector),
- throughout the hours of polling on election day, the elector will be engaged in their employment or occupation, and
 - if the elector is an employee, the elector is not entitled to leave of absence, and
 - in any other case, the absence of the elector for the purpose of attending a polling place to vote would likely to cause loss to the person in their occupation.

Application

The Act, s.184

An application for a postal vote can be made online through the AEC's [Postal Voting Application](#) or via a paper form and must:

- contain a declaration by the applicant that they are an elector entitled to apply for a postal vote, and
- be made after the issue of the writ for the election or the public announcement of the proposed date of the election, whichever is the earlier, and before 6pm on the Wednesday before election day.

Completion and return

The Act, s.194

On receipt of the postal vote material, which comprises a postal vote certificate and postal ballot paper, the elector should substantially observe the requirement to:

- show the unmarked ballot paper and unsigned postal vote certificate to an authorised witness;
- sign the postal vote certificate in the presence of the authorised witness;
- have the authorised witness sign, date, and indicate the capacity in which the witness acts on the postal vote certificate;
- cast a vote in the presence of the authorised witness, but so that the authorised witness cannot see the vote; and
- post or deliver the sealed envelope to the appropriate DRO.

Postal vote envelopes containing the ballot papers need to be received by the appropriate DRO on or before 13 days after election day. The envelope containing the ballot paper should be posted before election day, but can be delivered to:

- any DRO;
- an early voting officer;
- any polling place on election day before the close of the poll; or
- a person who is at an office of the AEC and who is either:
 - the Electoral Commissioner, Deputy Electoral Commissioner or AEO,
 - a person employed under Division 4 of Part II of the Act,
 - a member of the staff of the AEC who is engaged under the Public Service Act 1999 as an ongoing Australian Public Service employee, or
 - employed under section 35(1)(b) of the Act.

Postal voting arrangements and deadlines

The following conditions apply:

- For postal vote applications received up to and including 6pm on the Friday eight days before election day, the AEC is to dispatch postal voting material to the applicant by post or other appropriate (non-electronic) means. For applications received in this period, the applicant may also request another means of delivery (non-electronic). If these means are reasonable and practicable, the AEC is required to dispatch the postal voting material by those means.
- The AEC is to dispatch postal voting material by the most reasonable and practicable means for applications received after 6pm on the Friday eight days before election day and up to and including 6pm on the Wednesday before election day.
- The AEC will not be required to post or deliver postal vote material to those electors whose applications for postal votes were received after 6pm on the Wednesday prior to election day.

Registered general postal voters

Electors who are registered general postal voters will automatically be sent a postal vote certificate and postal ballot paper as soon as they become available after an election is called.

As ballot papers cannot be printed until after nominations have been finalised, there is at least a two-week period after the issue of the writ before ballot papers can be distributed.

In practical terms this means that the first despatch of postal ballot papers to any postal voter is not possible until the 3rd day following declaration of nominations (See Appendix 3).

An elector may also apply to be registered as a general postal voter if one of the grounds specified in section 184A of the Act applies.

Appendix 3: Additional information available to scrutineers

The AEC produces a range of publications for scrutineers, candidates and other participants in elections in addition to the Scrutineers Handbook.

Some of the information materials available are:

- **Candidates Handbook:** information for candidates in the election
- **Electoral Pocketbook:** a quick reference guide to the last federal election
- **Nominations Guide for Candidates:** a quick reference guide for prospective candidates
- **Electoral Backgrounders:** backgrounders discuss particular issues in the electoral process
- **Funding and Disclosure Guides:** separate guides for candidates, political parties and donors.

Other information materials will be available during the election campaign.

A copy of the Scrutineers Handbook is available on the [AEC website](#).

General information on a range of topics is available by visiting the [AEC website](#), from all AEC offices, or by phoning 13 23 26.

Other official material

Subject to availability, all relevant official electoral forms (except in relation to funding and disclosure) may be obtained from AEC's National Office or divisional offices.

Funding and disclosure forms can be obtained from the Funding and Disclosure Section at the AEC's National Office in Canberra.

The Scrutineers Handbook and other electoral information are also available on the [AEC website](#).

Glossary

Term	Description
Assistant Returning Officer (ARO)	The Officer in charge of each polling place is officially called the 'presiding officer' during polling but is called the ARO during the scrutiny (see also 'Officer in charge').
Australian Electoral Commission (AEC)	The independent statutory authority established in 1984 to maintain and update the Commonwealth electoral roll, raise public awareness and conduct federal elections and referendums.
Australian Electoral Officer (AEO)	The AEC's chief manager in each state and the Northern Territory. An AEO for the Australian Capital Territory is only appointed for each election period. The AEO is the returning officer for the Senate in their state or territory.
By-election	A by-election is held whenever a vacancy occurs in the House of Representatives. A supplementary election must be held if a candidate for a House of Representatives election dies in the period between close of nominations and election day.
Candidate	A person standing for election to the Senate or House of Representatives.
Certified list of voters	The official electoral roll used to mark off electors' names. Polling officials place a mark against an elector's name when the elector is issued with a ballot paper at a polling place, or where appropriate during early voting, to indicate that the elector has voted.
Close of rolls period	The roll closes on the seventh day after the issue of the writ.
<i>Commonwealth Electoral Act 1918</i>	The legislation governing the Commonwealth electoral process. Referred to as 'the Act' in this handbook.
Constitution	Commonwealth of Australia Constitution Act
Counting centre	Any site at which a scrutiny or counting of votes is to be, or is being, conducted.
Court of Disputed Returns	A candidate, an elector or the AEC may dispute the validity of an election by a petition to the High Court sitting as the Court of Disputed Returns. The court has wide powers to resolve the matter.
Declaration vote	A declaration vote is recorded by a voter whose entitlement to vote cannot be confirmed at the place of voting. The voter makes a signed declaration on an envelope and then puts their completed ballot paper inside. These votes are counted after election day if the voter's entitlement to vote is verified using the information provided on the declaration envelope.
Divisions (electorates)	For representation in the House of Representatives, Australia is divided into Electoral Divisions. The number of these divisions is determined by population. To ensure equal representation, the boundaries of these divisions have to be redrawn or redistributed periodically. (For representation in the Senate, each state and territory is one electorate. All states are multi-member electorates and have the same number of Senators. Territory representation is determined by the federal parliament).
Divisional Returning Officer (DRO)	The AEC officer responsible for conducting the election in each division. The DROs are the returning officers for the House of Representatives in their divisions and are also responsible for electoral administration within that division, in particular, the maintenance of the electoral roll, providing information sessions to schools and community groups and preparations for the next election.

Term	Description
DRO Senate count	The DRO Senate count is a: <ul style="list-style-type: none"> re-count of the ballot paper counted in polling places on election night, or a first (initial) count of any Senate ballot papers received by the DRO in a ballot box.
Early vote	A postal vote or a vote cast at an early voting centre, an AEC divisional office or via a mobile polling team in the lead-up to election day. They are cast by electors who will not be able to get to a polling place on election day.
Electoral Act	The <i>Commonwealth Electoral Act 1918</i> .
Election Management System	The AEC system which centrally calculates election results, displays those results and is the interface to the Virtual Tally Room.
Electoral and Referendum Regulation 2016	Regulations that support the operation of the Act.
Electoral Commissioner	The officer who performs the functions of the chief executive officer of the AEC.
Electronic roll	An electronic list of eligible people who are registered to vote in Australian elections.
Financial disclosure return	A document detailing information on the receipts and expenditure of participants in the political process. There are specific return forms for candidates, their donors and political parties. Financial disclosure return forms for candidates are made public 24 weeks after election day.
Formal	A ballot paper is generally considered formal if it is filled out correctly in accordance with the Act and the instructions on the ballot paper. It is therefore included in the scrutiny.
Fresh Scrutiny	A re-check of votes cast in a House of Representatives election, conducted by the DRO in the days following election day.
How-to-vote cards	Cards provided to voters by candidates showing how a party or candidate would like voters to fill in their ballot papers.
Informal	A ballot paper is generally considered informal if it is not filled out correctly in accordance with the Act and the instructions on the ballot paper. It cannot therefore be included in the scrutiny.
Issuing Officer	Polling officials who issue ordinary ballot papers to electors whose names are found on the certified list of voters, mark the certified list, complete the account of ballot papers and assist with the count of ballot papers after the close of poll.
Issuing point	The part of the polling place where ballot papers are issued to electors.
Mobile polling team	A team of polling officials who bring the polling to the elector. They visit electors in locations including nursing homes, prisons and remote locations to enable them to vote.
Nomination form	The approved form which must be used by a candidate nominating for election. There are also five forms for the Senate, and three forms for the HoR, one of which is the bulk nomination form.

Term	Description
Officer in charge (OIC)	The officer who is in charge at a polling place. They are called 'Presiding officers' during polling (8am to 6pm). From 6pm, during the scrutiny, they are called the Assistant Returning Officer (ARO).
Ordinary vote	An ordinary vote is recorded by an elector whose entitlement to vote is verified at the place of polling and whose name is marked off on a certified list of voters. Ordinary votes may be cast on, or in certain circumstances, before election day. These votes are counted on election day after the close of polling.
Penalty unit	Section 4AA of the <i>Crimes Act 1914</i> determines the dollar (\$) value of a penalty unit.
Polling Official	There are two categories of polling officials, those who are required to work in the period before election day to assist with mobile and early voting, and those who are required to work in a polling place on election day only.
Polling Place	A place appointed to take the votes of electors on election day.
Polling place hospital	A hospital at which a polling place is established to take the votes of electors. Polling officials may provide stationary and mobile polling services.
Postal Vote Certificate	The AEC uses this term to describe the declaration vote envelope specific to postal voting on which the elector declares their entitlement to vote.
Preferential voting (full and optional)	<p>A system of voting in which the voter completes the ballot paper by putting the number '1' in the box next to the candidate who is their first choice, the number '2' in the box next to their second choice, and so on until every box is numbered. This is called Full Preferential Voting and is the method used in the House of Representatives.</p> <p>Preferential voting systems can also operate with further rules/minimum thresholds. This is the method of voting in a Senate election, where the voter completes the ballot paper above the line by putting the number '1' in the box next to the group of candidates who is their first choice, the number '2' in the box next to their second choice, and so on up to at least 6. Below the line voting is for individual candidates and the voter must preference at least 12 candidates. The voter can indicate further preferences both above the line and below the line if they so wish.</p>
Proportional Representation	The term used that describes a group of electoral systems used to elect candidates in multi-member electorates. In such systems parties, groups and independent candidates are elected to the parliament in proportion to their support in the electorate.
Provisional votes	Are votes cast at a polling place where the elector's name cannot be found on the roll, or where the elector's name has been marked off the roll as having voted, or where the elector has silent enrolment, or where, after questioning, the elector has failed to satisfy the OIC that they are a particular person on the certified list.
Quota	To be elected to the Senate, a candidate needs to gain a quota or proportion of votes. The quota is determined by dividing the total number of formal ballot papers in the state or territory by one more than the number of Senators to be elected and adding 'one' to the result.
Referendum	A vote to consider a proposal to alter the Australian Constitution. The Constitution can only be altered by a 'double majority' – a national majority of electors from all states and a majority of electors in a majority of states passing the proposed amendments.
Referendum Act	<i>Referendum (Machinery Provisions) Act 1984</i>

Term	Description
Registered officer	A person nominated by a registered political party to be the registered officer for the purposes of the Act.
Registered political party	A party registered with the AEC under Part XI of the Act.
Regulations	Electoral and Referendum Regulations 2016.
Scrutineers	People appointed by candidates to be their representatives at polling places, or at any place at which the scrutiny of votes is being conducted. Scrutineers have the right to be present when the ballot boxes are sealed and opened and when the votes are sorted and counted so that they may check any possible irregularities, but they may not touch any ballot paper.
Scrutiny	The counting of votes, which leads to the election result.
Silent elector	An elector who has applied to have their address not appear on the roll for reasons of personal safety or safety of their family members.
Surplus Votes	The number of votes in excess of the quota required to be elected in Senate elections.
Transfer Value	A fractional number between 0 and 1 that is calculated and applied as part of the Senate voting system.
Tally Room (TR)	A website election results system, which provides election information and results in a user-friendly format.
Two-candidate-preferred	These figures show where preferences have been distributed to the likely final two candidates in a House of Representatives election.
Two-party-preferred	These figures indicate results where preferences have been distributed to the major sides of politics – the Australian Labor Party (ALP) and the Liberal and National Party Coalition. In most cases two-candidate-preferred and two-party-preferred are the same because the final two candidates are ALP and the Liberal and National Party Coalition. In an electorate held by an independent or another party, the counts will differ.
'Vote saving' provisions	'Vote saving' provisions at sections 268A and 269 of the Electoral Act allow some Senate votes that have not been marked in accordance with voting instructions in section 239 of the Electoral Act to still be included in the count.
Writ	In an election context, a writ is a document which commands an electoral officer to hold an election and contains dates for the close of rolls, the close of nominations, the day of the election and the return of the writ. The issue of the writ triggers the election process.