

CANDIDATE **HANDBOOK**

Information for candidates about their responsibilities and requirements for local government elections in the Northern Territory.

ntec.nt.gov.au



Northern Territory
Electoral Commission
EVERY vote counts

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Please note

- The handbook has been developed as a guide only and is intended to assist candidates standing in local government elections in the Northern Territory.
- The handbook should not be used as a substitute for legal advice, please review the *Local Government Act 2019* and Local Government (Electoral) Regulations 2021 and seek independent legal advice as necessary.
- Information can change from time to time, the Northern Territory Electoral Commission website is the best source of up-to-date information.
- The terms 'voters' and 'electors' are used interchangeably throughout the handbook.
- The terms 'candidate' and 'nominee' are used interchangeably throughout the handbook.



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

INTRODUCTION

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

The candidate handbook provides information about the electoral process that candidates need to know for local government general elections and by-elections.

The handbook aims to assist candidates in understanding key election information relating to:

- nomination processes
- financial disclosure requirements
- campaigning and campaign material
- scrutineers
- voting
- counting
- election results.

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

DEFINITIONS

Principal member: The principal member of a council is known as the Mayor or President. They may be either directly elected by voters within the council area or appointed (via a vote) by the council from among its elected members.



Section 60 of the *Local Government Act 2019*

Ordinary member: An ordinary member of council, referred to as a councillor, is elected by voters within the council area.



Candidate checklist

Review the below checklist to ensure you are ready to participate as a candidate in a local government election.

| | |
|---|-------------|
| I am aware of the key dates for the election | Page 8 |
| I have lodged my completed nomination form via the NTEC website or in person at an NTEC office before the close of nominations date | Page 9 |
| I have confirmed with the NTEC that my nomination was received (if not delivered in person) before the close of nominations | Page 9 |
| I am aware of my responsibilities regarding campaign material and authorisations | Pages 15-18 |
| I have appointed scrutineers (optional) by completing and signing the required forms | Page 19 |
| I am aware of the campaign donation disclosure period and return date for the election | Page 22 |
| I am aware of the stages involved in the voting, counting and results processes | Pages 26-30 |
| I am aware of the relevant electoral offences | Pages 31-32 |
| I am aware that up to date information about the election relating to candidates will be provided on the NTEC website during the election | |

More information

The following resources can be found on the NT Electoral Commission website:

- Service Plan (general elections only)
- Scrutineer Handbook
- Information sheets
- Relevant forms

ABOUT

THE NORTHERN TERRITORY ELECTORAL COMMISSION

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

Local government elections are conducted in accordance with the *Local Government Act 2019* and Local Government (Electoral) Regulations 2021.

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

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

Contact us

- **Phone:** 8999 5000 or 1800 698 683
- **Email:** ntec@nt.gov.au
- **Website:** www.ntec.nt.gov.au
- **Office:** Level 3, TCG Centre, 80 Mitchell Street, Darwin
- **Post:** GPO Box 2419, Darwin, Northern Territory 0801

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

Please note the office is closed on public holidays.

PART 1 **NOMINATING**

This section explains the nomination process, including:

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

HOW TO NOMINATE TO BE A CANDIDATE

The Local Government (Electoral) Regulations provide that nominations must open at least 43 days before election day, and close at 12 noon, 23 days before election day.

You are encouraged to lodge your nomination as early as possible. Late nominations cannot be accepted.

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

1. Check you are eligible to nominate

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

- an Australian citizen
- 18 years of age or older
- enrolled to vote in the local government area you are nominating for
- a resident within the local government area
- nominated by at least one other person who is enrolled to vote in the local government area you are nominating for.

2. Complete the relevant nomination form

Nomination forms are on the NTEC website: www.ntec.nt.gov.au.

3. Lodge your completed nomination form

Each nomination must be accompanied by a recent photograph of the candidate.

You can lodge your nomination in 2 ways:

Via the NTEC website: you can lodge your completed nomination form and submit your photo through the nominations portal on the NTEC website at www.ntec.nt.gov.au.

In person: by attending an NTEC office.

****Nominations cannot be accepted by email.**

If you need help contact the NTEC by calling 1800 698 683 or by emailing nominations.ntec@nt.gov.au

Regional council offices can provide assistance by accessing the NTEC website and the nominations portal where prospective candidates may have connection issues in remote areas.

Nominations must be lodged by 12 noon on nomination day (the day nominations close). Late nominations cannot be accepted.

4. Confirm your nomination has been received by the NTEC

It is strongly recommended that you contact the NTEC to ensure your nomination has been received and is complete, if you did not lodge it in person.

A nomination will only be accepted if it is completed and submitted correctly within the required timeframe.

Nominee photograph

Candidate nominations must include a photo of the nominee, meeting the standards listed below. The photograph should be:

- recent
- vertical portrait style
- full faced showing the nominee's head and shoulders.

Nominating for more than one vacancy – principal member and ordinary member

If you nominate for both a principal member (mayor) and an ordinary member (councillor) position and are elected as the principal member, you are no longer considered for the ordinary member position. Any votes you received for the ordinary member role will be passed on to the next candidate based on voter preferences.

DISQUALIFICATION OF A NOMINATION

The grounds for disqualification include:

- bankruptcy
- holding a judicial office
- employed as a council staff member (note s181 of the *Local Government Act 2019* regarding resignation to contest an election – staff members)
- having a debt owing to council
- disqualified from managing a corporation
- not having a principal place of residence within the local government area.

The complete list of grounds for disqualification are shown on the nomination form



Section 47 of the *Local Government Act 2019*.

The validity of an election may be disputed on application to the Northern Territory Civil and Administrative Tribunal (NTCAT) regarding eligibility of a person to be nominated as a candidate.



Section 143 of the *Local Government Act 2019*.

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



Regulation 74(2) of the Local Government (Electoral) Regulations 2021.

REJECTION OF A NOMINATION

The NTEC may reject a nomination for the following reasons:

- the nomination does not meet the requirements detailed in the nomination form
- the nominee is not enrolled at an address within the local government area at the time the electoral roll closes
- the name of the nominee is not the same name the nominee is enrolled as, or is entitled to be enrolled as
- the name of the nominee is obscene, frivolous or has been assumed for a political purpose.

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



Regulation 9 of the Local Government (Electoral) Regulations 2021.

WITHDRAWING YOUR NOMINATION

You can withdraw your nomination for a local government election by completing the withdrawal form provided on the NTEC website: www.ntec.nt.gov.au

The completed form must be received before 12 noon on nomination day (the day nominations close. After that date a nomination cannot be withdrawn.

You can lodge your withdrawal form at an NTEC office or by email: nominations.ntec@nt.gov.au

Please contact the NTEC to confirm that the nomination withdrawal has been received.



Regulation 8 of the Local Government (Electoral) Regulations 2021.

DEATH OF A CANDIDATE

Principal member

If a candidate running for the position of principal member dies before the end of election day, the entire election for that position fails. As soon as practicable a new election must be called.



Regulation 73 of the Local Government (Electoral) Regulations 2021.

Ordinary member

If a candidate running for the position of ordinary member dies before the end of election day, any votes for that candidate are given to the next preference listed on the voter's ballot paper.

The order of the remaining preferences is adjusted accordingly.

If a candidate dies after election day but before the results are officially declared, the result is determined as if the candidate were still alive. However, if the deceased candidate would have been elected, the votes are recounted as if the candidate had died before election day.



Regulation 69 of the Local Government (Electoral) Regulations 2021.

DECLARATION OF NOMINATIONS

The day after nominations close, the NTEC declares all candidates for a local government election by announcing their names at a public event.

The declaration will occur at the NTEC office, or a place chosen by the NTEC. Anyone can attend this event, candidates, council executives and the media will be invited to attend. The event will also be live streamed on the NTEC website. Further details for the

declaration of nominations event will be provided closer to the date.

In any instances where the number of nominations received is equal to the number of vacancies, the candidates will be declared elected, and no election is required.

If less nominations are received than the number of vacancies, any candidates will be declared elected, and a supplementary election will be held to fill the remaining vacancies. Supplementary elections occur after the general election.

ORDER OF CANDIDATE NAMES ON BALLOT PAPERS

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

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

BALLOT PAPER DETAILS

Ballot papers used in an election must include:

- the name of the candidates for the election (in the order determined during the public draw for ballot paper position mentioned above)
- a photograph of each candidate adjacent to the candidate's name
- a printed square adjacent to the candidate's photograph where the elector marks their preference.



Regulation 12 of the Local Government (Electoral) Regulations 2021

The name on the ballot paper must be the enrolled name of the candidate. However:

- a first name can be an initial standing for the name
- commonly accepted variations of the name are permitted including abbreviation, truncation or alternative forms
- a commonly used name specific to the nominee by which the nominee is usually identified is permitted



Regulation 7 of the Local Government (Electoral) Regulations 2021.

RELEASE OF CANDIDATE INFORMATION

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

Candidate information that may be published on the NTEC website includes:

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

Candidates must provide this information on the nomination form. Phone numbers, email address, website and social media pages will only be published on the NTEC website with a candidate's consent.

The NTEC does not publish candidate statements.

PART 2

CAMPAIGNING AND ADVERTISING

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

WHAT IS ELECTION CAMPAIGNING AND ADVERTISING

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

Campaign material is defined as an advertisement, document or any other thing that is intended to promote the electoral prospect of a particular candidate or group of candidates for an election, including (but not limited to):

- an electoral advertisement
- a printed document containing an electoral matter (for example, a handout, pamphlet or how-to-vote card)
- a message containing an electoral matter sent by telephone or broadcast by electronic means
- published materials containing electoral matter (for example, car stickers, decals, a campaign sticker).

Campaigning activity involves actions such as:

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



Section 158 of the *Local Government Act 2019* defines campaign material.

WHAT ARE THE RULES FOR CAMPAIGNING AND ADVERTISING

Campaign material must:

1. be authorised
2. not be misleading or deceptive about the administration or delivery of the electoral process
3. be placed in compliance with the relevant rules.

Authorisation of campaign material

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

1. the name and address of the person authorising the publication or distribution (a post office box is not permitted), and
2. if printed, the name and address of the printing company, and
3. if the material is double sided, the above authorisations must appear on both sides, and
4. the source of the funding for that material, if it is not self-funded.

Even if the candidate includes their name in the campaign material, it must still have an authorisation statement.

If the person authorising is an individual, the locality is sufficient as an address, for organisations the full street address must be provided.

Examples:

- *Authorised by John Day, Darwin, NT. Printed by Armadillo Printing, 25 Winnellie Road, Winnellie, NT.*
- *Authorised by Anthony Smith, Friends of Alice Springs, 10 Gregory Terrace Alice Springs, NT. Printed by Anteater Publishing, 25 Stott Terrace, Alice Springs, NT.*

Additional rules and considerations include:

- The authorisation statement must be announced and shown at the end for television advertisements and other video communications (such as social media videos).
- The authorisation must be announced at the end of radio and podcast advertising.
- There are several ways to authorise social media content including:
 - an authorisation statement in the social media account's bio or profile information; or

- pinning a post with the authorisation statement to the top of the profile; or
- a link in the post to a website containing the authorisation statement.
- If an image can be separated from its original authorisation and still remain a clear election advertisement for the electoral participant, then the complete authorisation must be embedded in the image.
- The same rules apply whether the material is paid or unpaid.
- Websites, newsletters and campaign letters/emails must be authorised

The following materials do not require authorisation: t-shirts, buttons, badges, pens, pencils, balloons and fridge magnets.

MISLEADING OR DECEPTIVE

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

PLACEMENT OF CAMPAIGN MATERIAL

Campaign materials cannot be placed in voting centres or within 10 metres of the entrance to a voting centre.

Outside of voting hours, local councils and the Department of Logistics and Infrastructure have rules regarding the placement of campaign material. If you wish to place signs on private property, check with the local council, as there may be rules you must abide by. Before placing campaign material on private property, permission must be sought from the building and/or property owners.

Consult the local council and relevant government departments for the most up-to-date information.



Section 164 of the *Local Government Act 2019* details the penalty for offences relating to campaign material.

CAMPAIGNING NEAR VOTING CENTRES

During voting hours, campaigning activities are not allowed within 10 metres of the entrance to an early, mobile or election day voting centre.



Regulation 77 of the *Local Government (Electoral) Regulations 2021* details the campaigning activities near voting centres.

HOW-TO-VOTE CARDS

How-to-vote (HTV) cards and other campaign material can be distributed outside of the 10 metre zone.

Candidates and their supporters must hand out any HTV cards.

The NTEC does not need to approve HTV cards. However, the NTEC can check a candidate's HTV card against requirements. Candidates can send draft HTV cards to: ntec@nt.gov.au

The NT Electoral Commission cannot print HTV cards for candidates.

ESAFETY

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

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

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

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

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

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

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

PART 3

SCRUTINEERS

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

WHAT IS THE ROLE OF A SCRUTINEER

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

OPPORTUNITIES TO SCRUTINEER

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

- sealing of ballot boxes at the start or end of voting
- voting at early voting centres, mobile voting centres and election day voting centres (this does not include viewing how voters cast their vote)
- issuing officers asking voters their name, enrolled address and whether they have voted before in the election
- the voting centre manager providing voter assistance
- election night counts at voting centres and scrutiny centres
- entering of voter preferences on ballot papers into the Easy Count system (used for multi-vacancy elections)
- admittance and rejection of declaration votes at a scrutiny centre
- admittance and rejection of postal votes at a scrutiny centre.

HOW IS A SCRUTINEER APPOINTED

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

Each candidate may appoint the following at any time:

- at a voting centre during the voting period: one scrutineer per voting centre
- at a scrutiny centre during the count period: one scrutineer per candidate for each count table that is counting ballot papers that include that candidate.

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

Scrutineers must present their completed appointment forms, signed by the candidate before entering a voting or scrutiny centre to scrutineer. The form includes a commitment which the scrutineer must sign that they will not attempt to influence voters or reveal confidential information about a voter's choice.

Additional approval processes are required for scrutineers to attend urban mobile voting locations including correctional facilities and hospitals. These requirements are determined by the facility.

SCRUTINEERS RAISING OBJECTIONS OR QUESTIONS

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

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

Scrutineers can also observe the entering of voter preferences on ballot papers into the Easy Count system used for multi-vacancy local government elections. During this stage of the count, scrutineers can also object to the formality of a ballot paper using the above process.

RIGHTS AND RESPONSIBILITIES OF SCRUTINEERS

Scrutineers have specific rights and responsibilities:

- scrutineers must be present for the scrutineer briefing provided before counting commences
- scrutineers must wear the vest and identification tag they are given while they are inside a voting centre or scrutiny centre. If they leave the centre, both items must be returned
- scrutineers are permitted to leave and re-enter a voting or scrutiny centre
- scrutineers can be replaced by another duly appointed scrutineer.

Scrutineers must not:

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

SCRUTINEER HANDBOOK

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

PART 4

DONATION DISCLOSURE

This section explains the donation disclosure obligations for candidates.

CAMPAIGN DONATION RETURNS

Candidates in local government elections are required to report donations and loans.

If you receive donations totalling \$200 or more from the same donor during the disclosure period, you must submit a campaign donation return with details of the donation and donor.

If you receive a loan of \$1,500 or more (not from a bank or financial institution) during the disclosure period, you must also submit a campaign donation return with details of the loan and lender.

You must not accept any anonymous donations or loans during the disclosure period.

If you do not receive any donations or loans, or the amounts are below \$200 for donations or \$1,500 for loans, you do not need to submit a return. You also do not need to submit a 'nil' return.

Donors and lenders do not have to submit returns for local government elections.



Part 8.6 of the *Local Government Act 2019*

DISCLOSURE PERIODS

General elections: Begins 1 July in the calendar year immediately before the general election is scheduled to be held and ends 30 days after election day.

By-elections: Begins on 1 July preceding the day which the election is to be held and ends 30 days after election day.

Candidates only need to submit one campaign donation return for the entire disclosure period (unlike Legislative Assembly elections, which require multiple returns).

RETENTION OF RECORDS

Candidates must keep all records related to donations or loans reported in a campaign donation return for at least 4 years.

PART 5 **VOTING**

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

WHAT VOTING SYSTEM IS USED

Local government elections use 2 types of voting systems:

- Where there is a single vacancy such as Mayor/President or a ward with only one councillor, the preferential system is used.
- Where there are multiple vacancies, the proportional representation system is used.

Both systems require voters to mark their ballot paper in a similar manner. Voters must number every candidate box in order of their choice or preference.

HOW DO I MAKE MY VOTE COUNT

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

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

To number the boxes in order of preference:

- voters should put a number 1 against their first choice or preference
- voters should put a number 2 against their next choice (or second preference)
- voters should continue with sequential numbers until all boxes are complete.

Voters should then fold their ballot paper and put it into the ballot box.

In local government elections, some voters will receive 2 ballot papers, one for the principal member and one for ordinary members (depending on their council area). Voters must treat each ballot paper separately and start with a number 1 against their first choice for each ballot paper.

WHAT VOTING SERVICES ARE AVAILABLE

The following voting options are available local government elections:

Early voting: anyone can vote before election day at designated early voting centres.

Postal voting: There are 2 ways to receive a postal vote:

- registering as a general postal voter (GPV). If an elector is registered as a GPV, when any election is announced that the elector is eligible to vote in, they will automatically receive a postal vote once ballot papers are printed.
- completing a postal vote application via the NTEC website, visiting the NTEC office or by contacting the NTEC.

Mobile voting: available for voters in remote areas, hospitals and correctional centres. Postal voting services may be provided to some organisations instead of mobile voting on request of the organisation.

Election day voting centres: open from 8:00 am to 6:00 pm on a Saturday election day in locations in major centres.

Absent voting: if an elector votes outside their local government area, it is considered an absent vote and is counted after election day. Absent voting will only be available at early voting centres, urban mobile voting centres, and at designated election day voting centres.

Declaration voting: if a person cannot be found on the electoral roll, they can complete a declaration vote. Declaration votes are reviewed after election day to ensure the person is eligible to enrol to vote.

Once confirmed all voting information will be available on the NTEC website:
www.ntec.nt.gov.au

WHAT ASSISTANCE IS AVAILABLE TO VOTERS

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

Voting staff may read and explain the ballot paper instructions and can place the ballot paper in the ballot box. Electors may nominate anyone to help them cast their vote e.g. a family member, friend, scrutineer, or voting centre staff.

An assisting person can complete a ballot paper according to a voter's instructions.

Electors with mobility issues who are unable to access a voting centre, are able to vote from their car. The voting centre manager can facilitate this process upon request.

Scrutineers, if available will be invited to witness any assistance provided to a voter by a voting centre manager. In the absence of a scrutineer, 2 authorised officers will assist the voter.

WHO NEEDS TO VOTE

Voting in local government elections in the Northern Territory is compulsory. However, this requirement is not widely understood by all electors, particularly as voting in local government elections is optional in some Australian jurisdictions.

There are a number of areas in the Northern Territory that are not included within the boundaries of a local government council and are therefore unincorporated. People living in unincorporated areas DO NOT have to vote at any local government elections.

Some of the unincorporated areas in the NT include the towns of Alyangula, Nhulunbuy and Yulara, as well as the Darwin Waterfront, Northcrest, and areas in the Cox-Daly and Murrumbidgee-Douglas Daly regions.

Maps showing unincorporated areas are available on the NTEC website:
www.ntec.nt.gov.au

PART 6

COUNTING AND RESULTS

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

WHAT MAKES A BALLOT PAPER FORMAL

For a ballot paper to be formal:

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

Additionally:

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

A ballot paper is informal if:

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

WHAT IS THE VOTE COUNTING PROCESS

Count systems

Local government elections in the NT involve single vacancy elections (electing one person to a position) and multi vacancy elections (electing multiple people to a position).

Single vacancy positions are counted using the preferential system and will be conducted manually. This includes elections for principal members and some council wards that have one elected member.

The remaining councillor elections are multi vacancy elections and are counted using the proportional representation system. The first preference counts for these elections will be conducted manually, after which ballot papers are entered into count software (called Easy Count) which is used for proportional representation counts.

Election night - initial count of first preferences

Counts are conducted at scrutiny centres. For general elections there are usually 2 scrutiny centres; one in Darwin and Alice Springs. Additionally, on election day, all election day voting centres become scrutiny centres from 6:00 pm.

After voting closes at 6:00 pm at a scrutiny centre:

- authorised officers open ballot boxes
- ballot papers are removed and unfolded
- ballot papers are then sorted by the candidate who received the voter's first preference
- informal ballot papers are placed in a separate pile and counted separately.

As soon as practicable after the completion of the initial count of first preferences, the results will be posted on the results page of the NTEC website: www.ntec.nt.gov.au

Fresh scrutiny – single vacancy elections

After election day, a fresh scrutiny or check count of ballot papers for the single vacancy elections will take place at the main scrutiny centre/s. This will check the initial count and is a full review of the counts conducted on election night.

At a fresh scrutiny:

- all ballot papers for single vacancy elections that were counted on election night are reviewed and counted again
- some ballot papers that were initially considered informal on election night may be deemed formal and placed against a candidate

- some ballot papers that were previously considered formal may be deemed informal and excluded from the count
- any mis-sorted ballot papers will be placed to the correct candidate.

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

Fresh scrutiny – multi vacancy elections

After election day, all ballot papers for the multi vacancy elections will be batched ready to commence entry into electronic count software called Easy Count.

These ballot papers are entered into Easy Count initially and are then re-entered by a second person for verification purposes. This verification acts as a fresh scrutiny or check count of all ballot papers.

With a manual initial count and 2 entries into Easy Count, this means the ballot papers for multi vacancy elections are counted 3 times.

Counting postal, absent and declaration votes

Voters must complete their postal votes by 6:00 pm on election day. The deadline for the return of postal votes is 12 noon on the second Friday after election day. For general elections there are often 2 or 3 counts or 'intakes' of postal votes during the count period, including the final count after the return deadline.

Absent votes are exchanged so they can be counted at the relevant scrutiny centre. This exchange occurs early in the first week of counting, and once exchanged absent votes have arrived at the relevant scrutiny centre, they will be counted. Note there are no absent votes at by-elections.

Declaration votes are issued where a voter cannot be found on the electoral roll and where the voter believes they have an entitlement to vote. Declaration votes are processed first to determine if they can be admitted to the count. Admitted declaration votes will be counted as soon as practicable after their processing is complete.

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

A count schedule will be published prior to election day to give details about when counts of postal, absent and declaration votes can be expected.

Distribution of preferences – single vacancy elections

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

The total number of formal votes cannot be determined until after the final deadline for postal votes has passed, and the last intake of postal votes has been admitted to the count.

After this, the total number of formal ballot papers can be determined. If a candidate receives more than 50 per cent of the total first preference votes, they can be declared elected and no further counting is required.

If no candidate initially achieves more than 50 per cent of the first preference votes, a distribution of preferences is conducted. The candidate with the least formal votes is 'excluded.' Each ballot paper from the excluded candidate is then redistributed to the candidate next in line according to the voter's preferences.

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

Distribution of preferences – multi vacancy elections

Where there are multiple vacancies and therefore a proportional representation count, candidates must receive a quota of votes to be elected. The quota is calculated using the following formula:

$(\text{Total number of formal ballot papers} / \text{number of vacancies} + 1) + 1$

For example, if there are 2,000 formal ballot papers to elect 3 councillors for a ward, the quota would be: $(2,000 / 4) + 1 = 501$.

This means the ballot papers would be counted until 3 candidates achieved the quota.

After the total number of formal ballot papers has been determined, some candidates may achieve the quota on first preferences and can be declared elected. If some vacancies remain unfilled after the final first preference count, a distribution of preferences is required.

A distribution of preferences for a proportional representation count is similar to a preferential count as candidates with the lowest number of votes are excluded and their votes are distributed according to the voters' preferences. However, before the exclusion process can occur there is additional counting where any votes received by a candidate declared as elected that are in excess to the required quota (called 'surplus votes') are then proportionally distributed at a reduced transfer value to the remaining candidates.

This adds significant complexity to the count which is why proportional representation counts are typically conducted using counting software. The NTEC uses Easy Count software.

All preferences on ballot papers with multiple vacancies are manually entered into Easy Count, and then re-entered by a second person for verification purposes. After the final intake of returned postal votes has been entered into Easy Count, the software will conduct the distribution of preferences for all required elections and produce the final results.

Recounts

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

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

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

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



Regulation 70 of the Local Government (Electoral) Regulations 2021 describes the recount process.

WHEN WILL RESULTS BE AVAILABLE

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

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

DISPUTED ELECTIONS

A person may dispute the result of an election only by submitting an application with the Registrar of the Northern Territory Civil and Administrative Tribunal (NTCAT). An application must be made no later than 21 days after the conclusion of the election.

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

- a candidate in the election
- a prospective candidate in the election whose nomination was rejected
- an elector entitled to vote at the election
- the NT Electoral Commissioner.

An application disputing the results of an election must state:

- the grounds on which the applicant seeks relief from NTCAT
- the nature of the remedy sought by the applicant.



Part 8.5 of the *Local Government Act 2019* provides details regarding disputed elections.

PART 7 OFFENCES

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

Candidates should review the relevant provisions of the Local Government Act 2019 and Local Government (Electoral) Regulations 2021 and seek independent legal advice where necessary.

INTERFERING WITH THE ELECTION

| Act | Offence | Applies to | Maximum penalty |
|------------------|--|--------------------------|--|
| Section 162(1) | Interfering with election right or duty | Person Body corporate | Individual: 400 penalty units or 2 years imprisonment Body corporate: 2,000 penalty units |
| Section 162(2) | Violence or intimidation of voters | Person | Individual: 400 penalty units or 2 years imprisonment |
| Section 163 | Interference with the secret ballot | Person | Individual: 200 penalty units or 12 months imprisonment Infringement notice: \$100 |
| Regulation 74(1) | Dishonesty with regard to an electoral right | Person | Individual: 20 penalty units Infringement notice: \$100 |
| Regulation 74(2) | Making a misleading statement to an authorised officer | Person | Individual: 20 penalty units Infringement notice: \$100 |
| Regulation 75 | Interference with electoral materials | Person | Individual: 50 penalty units Infringement notice: \$100 |
| Regulation 76(1) | Failing to follow instructions when assisting a voter | Person | Individual: 50 penalty units Infringement notice: \$100 |
| Regulation 76(2) | Failing to post or deliver a postal voting paper immediately (when assisting a postal voter) | Person | Individual: 50 penalty units Infringement notice: \$100 |

CAMPAIGNING MATERIAL

| Act | Offence | Applies to | Maximum penalty |
|----------------|--|------------|---|
| Section 164(1) | Publication or distribution of unauthorised campaign material | Person | Individual: 100 penalty units Infringement notice: \$100 |
| Section 164(3) | Publication or distribution of campaign material that is misleading or deceptive about the electoral process | Person | Individual: 100 penalty units Infringement notice: \$100 |

VOTING CENTRE

| Act | Offence | Applies to | Maximum penalty |
|------------------|--|------------|--|
| Regulation 77(1) | Canvassing for votes in, or within 10 metres of the entrance to a voting centre | Person | Individual: 20 penalty units Infringement notice: \$100 |
| Regulation 77(2) | Wearing or displaying campaign material in a voting centre | Person | Individual: 5 penalty units Infringement notice: \$100 |
| Regulation 77(3) | Failing to comply with the direction of an authorised officer at a voting centre | Person | Individual: 50 penalty units Infringement notice: \$100 |

FINANCIAL DISCLOSURE

| Act | Offence | Applies to | Maximum penalty |
|----------------|--|------------|---|
| Section 154(1) | Failing to lodge a campaign donation return | Person | Individual: 100 penalty units Infringement notice: \$100 |
| Section 154(2) | Lodging an incomplete campaign donation return in contravention of regulations | Person | Individual: 100 penalty units Infringement notice: \$100 |

Note: for penalty unit values go to: <https://agd.nt.gov.au/attorney-general-and-justice/units-and-amounts/penalty-units>



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