

Scrutineer guidelines – scrutiny and counting

How do I become a scrutineer?

A scrutineer must be appointed in writing using the form **Appointment of scrutineer LG.213**.

For mayor and councillor elections, a scrutineer may only be appointed by a candidate.

For constitutional referendums and polls, scrutineers may only be appointed by the Returning Officer (at the request of the general manager or mayor), the Electoral Commissioner, or a registered political party.

Appointed scrutineers will be issued with scrutineer identification and a purple NSW Electoral Commission vest that must be worn at all times when undertaking scrutineer tasks.

Role of a scrutineer

A scrutineer for an election represents a candidate or a group of candidates.

The role of a scrutineer is to observe election processes on behalf of their appointer to see they are carried out fairly, impartially, and with integrity. A scrutineer's presence provides an additional level of assurance to political participants and the public regarding the integrity of the election process.

Any concern a scrutineer has about the conduct of the election can be raised with the election official in charge at the relevant location, or with the Returning Officer.

While this document provides guidance, it is not a substitute for the laws which govern the conduct of an election and the participants in an election, nor does it provide legal advice. If there is doubt about any legal matters regarding an election, independent legal advice should be sought.

Scrutineers at scrutiny and counting

Each ungrouped candidate and each group may have a maximum of one scrutineer at each counting point and each data entry point at any given time. A counting point and data entry point is an election official, or more than one official if they are working as a team, scrutinising declaration vote envelopes or counting ballot papers.

A scrutineer must obey the lawful directions of an election official.

It is recommended that scrutineers attend any staff briefing at the location for an activity they will be scrutineering.

A scrutineer can:

- observe the scrutiny of declaration vote envelopes including postal vote certificates
- observe the opening and extraction of ballot papers from declaration vote envelopes
- observe all counting processes but not in such a manner as to cause unnecessary delays
- object to the formality of a ballot paper or the determination of preferences of a ballot paper, but is to accept a decision made by the election official in charge. If the scrutineer is not satisfied with that decision, they may note the details for their appointer to consider further action
- request a check and count of a parcel of counted ballot papers that are sorted to a candidate or a group of candidates
- witness the sealing of counted ballot papers, and may apply their own seal, endorse, and/or sign each parcel of counted ballot papers
- enter and leave the location and be replaced by another appointed scrutineer
- communicate with any person at the location in regards to scrutineer duties
- sign election forms as a witness when a witness is required.

A scrutineer cannot:

- touch ballot papers or declaration vote envelopes, nor any other election material
- be alone in any room where there are ballot papers
- bring food or drink near ballot papers.

A scrutineer may request a data entry audit of enough ballot papers in a contest (as determined by the election official in charge) to provide a high level of confidence that the result will not be affected by data entry errors not corrected during the reconciliation process. The scrutineer may observe the audit where:

- a ballot paper markings report will be printed for batches of ballot papers from the counting system (showing all preferences that have been data entered for each ballot paper)
- one election official will read out each group/candidate's name and the marking for the group/candidate, and the second election official must check that the markings on the ballot paper match the markings being called from the ballot paper markings report
- any ballot papers found to have markings incorrectly entered will have their markings re-entered into the counting system, and this audit process will be repeated for those ballot papers.

Declaration vote processes

A declaration vote processing location is any place where provisional votes cast by an elector (within an envelope) are processed – including receipt, sort, scrutiny, opening and extraction of ballot papers.

Material receipt and initial reconciliation (if applicable)

- secure bags containing declaration vote envelopes are received and accounted for
- secure bags are opened and declaration vote envelopes are sorted and reconciled against issued totals in preparation for scrutiny.

Scrutiny

- returned declaration vote envelopes are allocated to a computer where they are scrutinised
- elector details are entered into the Election Management Application (EMA) and the envelope is declared either 'accepted' or 'rejected' based on legislative requirements
- the scrutiny result is recorded in EMA and all envelopes are accounted for on the Declaration Vote Scrutiny Header
- accepted or area only declaration vote envelopes move on to sort and extraction whilst rejected declaration vote envelopes remain unopened.

Sort

- declaration vote envelopes accepted during scrutiny are sorted to their council/ward
- declaration vote envelopes are sliced open in preparation for the extraction of ballot papers
- at the closure of a progressive count, the number of declaration vote envelopes to be sent to extraction is determined for each council/ward.

Extraction

- accepted (including 'area only') declaration vote envelopes for a council/ward are opened and the ballot papers are extracted
- all ballot papers are accounted for and exceptions are recorded on extraction registers to ensure the accuracy of the count.

Count processes

If a scrutineer requires more information on a count process, they may request a copy of the count 'summary sheet' which details the procedure being conducted by election officials.

All Initial Count and Check Count results are published on the NSW Electoral Commission's website.

Initial Count

Ballot papers are examined for formality, with ballot papers sorted to the first preference for each candidate/group or to the Informal/Queries pile.

If the ballot paper has group voting squares, formal Below The Line votes for candidates in the groups with group voting squares are included in the 'Others (including Informal)' pile. This pile also includes obviously informal ballot papers, unclear ballot papers, and formal ballot papers marked both Above and Below The Line. All ballot papers will be re-checked for formality and sorted to their correct category in the Check Count.

The Initial Count is considered an indicative count only.

Check Count

Mayor or one Councillor to be elected

The Check Count consists of:

- Checking the initial count results: This is the second count of first preference votes. All ballot papers are re-examined to confirm the 1st preference votes and informal.
- Amalgamation: the ballot papers from all venues/vote types are combined in preparation for the Distribution of Preferences (DoP).

An amalgamation is only necessary if a distribution of preferences is required to determine the elected candidate. (No candidate has received an absolute majority (i.e. 50% + 1) of the formal first preference votes in the count.)

The Check Count is the official count used in the distribution of preferences. The distribution of preferences for mayor or one councillor to be elected is a manual process and would take few hours to complete.

Two or more Councillors to be elected

The Check Count consists of:

- Batching: ballot papers are counted into batches in preparation for data entry
- Registration: the batching total is entered into the count system
- Data Entry: all preferences on all ballot papers are entered into the count system.

The count system determines the final formality based on the preferences entered into the system during the Check Count.

The Check Count is the official count used in the distribution of preferences. The distribution of preferences for two or more councillors to be elected is conducted using the computer count system and would take few minutes to complete.

Acceptable behaviour

Scrutineers are expected to behave in a professional manner and be respectful to each other, NSW Electoral Commission staff and to electors.

Use of mobile phones or other electronic equipment

Scrutineers cannot use mobile phones or other electronic equipment to film, photograph or record processes inside a voting centre or other venue for scrutiny or counting.

Scrutineers may use mobile phones inside one of these locations to talk to, or text another person, as long as the noise level does not interfere with the electoral process being undertaken.

Scrutineer policy

Scrutineers should read the NSW Electoral Commission's full **Scrutineer policy LG.215**, which is available from elections.nsw.gov.au.

Enquiries or complaints

Enquiries or complaints should be made by one of the following means:

- email to candidates@elections.nsw.gov.au; or
- call the helpdesk on 1300 022 011.