

Candidate and scrutineer guide

2024 NSW Aboriginal Land
Council Elections

The NSW Electoral Commission acknowledges the traditional owners of country throughout New South Wales and their continuing connection to land, sea and community. We pay our respect to their Elders both past and present.

© 2024

This publication is copyright.

No part may be reproduced by any process, except in accordance with the *Copyright Act 1968*.

Please address all enquiries to the New South Wales Electoral Commission,
GPO Box 832 SYDNEY NSW 2001

Contents

Section 1: Introduction	3
1.1 Returning Officer and Regional Electoral Officer	3
1.2 Election timetable	3
1.3 Close of roll	4
Section 2: Nominations	4
2.1 Nominating to be a candidate	4
2.2 Lodging a nomination	4
2.3 Withdrawal of candidate	5
2.4 Death of a candidate	5
2.5 Uncontested election	5
2.6 Return of deposit	5
Section 3: Voting	5
3.1 Polling places	5
3.2 Campaigning by candidates and supporters	5
3.3 Postal voting	5
3.4 Disputed votes	6
3.5 Postal votes and disputed votes scrutiny	6
3.6 Method of voting	6
Section 4: Vote counting and election results	6
4.1 Counting the votes using the optional preferential system	6
4.2 Initial Count	6
4.3 Check Count	7
4.4 Distribution of preferences (DoP)	7
4.5 Exhausted ballot papers	7
4.6 Scrutiny of the count	8
4.7 Ballot paper formality	8
4.8 Publishing of results	17
4.9 Recount requests	17
4.10 Disputing elections and returns	18
Section 5: Scrutineers	18
Section 6: Election offences	19

Section 1: Introduction

This guide is designed to inform and assist candidates and scrutineers.

The NSW Electoral Commission website will also contain information regarding these elections: elections.nsw.gov.au/NSWALC24. If you need more information please contact the candidate helpdesk on 1300 022 011.

1.1 Returning Officer and Regional Electoral Officer

The Returning Officer for the elections is the Electoral Commissioner for NSW.

A decision by the Returning Officer on any matter relating to the conduct of an election is final if the decision is required or permitted to be made by the Returning Officer under the *Aboriginal Land Rights Act 1983 (the Act)* or *Aboriginal Land Rights Regulation 2020 (the Regulation)*.

A Regional Electoral Officer will be appointed by the Returning Officer to assist in the conduct of the election in all regions. The Regional Electoral Officer's office will be located at the NSW Electoral Commission:

- Address: 231 Elizabeth Street, SYDNEY NSW 2000
- Postal address: GPO Box 832, SYDNEY NSW 2001
- Telephone: 1300 022 011
- Website: elections.nsw.gov.au/NSWALC24

1.2 Election timetable

Event	Date and time
Rolls close	Wednesday 6 December 2023
Nominations open	Tuesday, 2 January 2024
Postal vote applications open	Monday 8 January 2024
Nominations close	12 noon, Tuesday 30 January 2024
Announcement of candidates and ballot paper draw	2pm, Wednesday 31 January 2024
Close postal vote applications	6pm, Monday 19 February 2024
Election day	8am – 6pm, Saturday 24 February 2024
Receipt of postal vote ballot papers closes	6pm, Friday 8 March 2024
Distribution of preferences	Monday 11 March 2024
Declaration of results	Tuesday 12 March 2024

1.3 Close of roll

To be eligible to vote for a Region, a person must be a voting member of a Local Aboriginal Land Council within that Region, as at Monday, 6 December 2023.

Section 2: Nominations

2.1 Nominating to be a candidate

- Nomination forms are available from the NSW Electoral Commission's website: elections.nsw.gov.au/NSWALC24 or by calling 1300 022 011.
- To be a candidate a person must be on the certified roll for the Region where he or she wishes to be a candidate.
- A person cannot be a candidate and an election official at the election.
- A candidate must be nominated by six (6) other electors who are on the roll for the Region where he or she wishes to be a candidate. Candidates are encouraged to have more than six electors nominate them in case some of their nominators are not on the roll.
- An elector can only nominate one candidate for the election.
- The nominated candidate must give their consent to the nomination by signing the nomination form.
- A candidate's surname on the ballot paper will appear as it is on the electoral roll for the Region, however an alternative form of a candidate's given name may be:
 - an initial standing for their given name; or
 - a commonly accepted variation of their given name (including an abbreviation or truncation of that name or an alternative form of that name); or
 - a commonly used other name specific to the candidate by which the candidate is usually identified (if the Returning Officer is satisfied that the proposed name is a commonly used other name specific to the candidate by which the candidate is usually identified).

2.2 Lodging a nomination

The following must be completed and lodged with the Returning Officer no later than 12 noon, Tuesday, 30 January 2024:

- **Candidate nomination form ALC.201**
- **Statutory Declaration Grounds for disqualification from office ALC.201A**
- **Nomination deposit return form ALC.201B.**

The nomination form must be accompanied by a deposit of \$50 in the form of cash, bank cheque or credit union or building society cheque. The \$50 nomination deposit can also be deposited directly into the NSW Electoral Commission bank account at any Westpac branch prior to the close of nominations at 12 noon Tuesday, 30 January 2024. Personal cheques, BPay, credit card and EFTPOS are not acceptable. Further details are available on the Candidate nomination form ALC.201.

Candidates are strongly encouraged to lodge as early as possible so that the candidate will have time to fix any problem with the nomination. If a defect in the nomination is not corrected by 12 noon Tuesday, 30 January 2024 the nomination will be rejected.

Candidates may also submit a Candidate Bio when nominating. The Candidate Bio form will be provided to the NSW Aboriginal Land Council who will publish the form on its website. Attachments will not be accepted. No changes can be made after the close of nominations.

2.3 Withdrawal of candidate

A candidate can only withdraw their nomination before the close of nominations.

The notice of withdrawal must be in writing, signed by the candidate and received by the Returning Officer before the close of nominations. A nomination cannot be withdrawn after nominations have closed.

2.4 Death of a candidate

If a candidate dies, after being nominated but before the close of nominations, the close of nominations is postponed for 3 days.

If a candidate dies after the close of nominations and before election day there will be a new election in that Region held at a later date.

2.5 Uncontested election

If only one candidate has nominated for election in a Region, that candidate will be declared elected by the Returning Officer after the close of nominations.

2.6 Return of deposit

A candidate is entitled to the return of the \$50 nomination deposit if he or she is elected or receives more than 4 per cent of the total first preference votes cast for all candidates in the election.

Section 3: Voting

3.1 Polling places

Polling places will be open from 8am to 6pm on Saturday, 24 February 2024. For locations visit: elections.nsw.gov.au/NSWALC24.

Note: there is no pre-poll voting at the election.

3.2 Campaigning by candidates and supporters

Handing out how-to-vote cards and leaflets outside a polling place must not obstruct access to the polling place. Campaigning and handing out how-to-vote material inside a polling place is not permitted.

3.3 Postal voting

If a voter is unable to attend a polling place on election day they can apply for a postal vote.

Postal vote application forms are available from the NSW Electoral Commissions website elections.nsw.gov.au/NSWALC24 or phone 1300 135 736.

Postal vote application forms must be received by the Returning Officer by 6pm, Monday, 19 February 2024. Completed postal vote ballot papers must be completed by 6pm on election day and received by the Returning Officer by no later than 6pm on Friday 8 March 2024 to be included in the count.

3.4 Disputed votes

An elector may, in the following circumstances, ask for a 'disputed vote' at a polling place if:

- The elector's name has already been marked off as having voted
- The elector's name cannot be found on the roll.

An elector is required to fill out the **Disputed vote envelope ALC.430** on which there is a written declaration specifying the ground on which the elector claims to vote.

The elector is issued with a ballot paper. When they finish voting they put the ballot paper in the envelope and seal it. The elector then places the envelope in the ballot box.

3.5 Postal votes and disputed votes scrutiny

The scrutiny of all postal vote and disputed vote envelopes will be conducted at the Regional Electoral Officer's office. This includes:

- Scrutiny of envelopes to determine whether the postal and disputed vote is to be accepted into the count
- Extraction of ballot papers from accepted postal and disputed vote envelopes.

The last count of postal votes will be conducted after the close of receipt of postal vote envelopes at 6pm, Friday 8 March 2024.

3.6 Method of voting

The method of voting is "optional preferential".

The voter is required to put the number "1" in the square next to the candidate who is their first choice. They may, but are not required to, place numbers beginning with the number "2" in squares opposite the names of some or all the remaining candidates in the order of his or her preferences for them.

The instructions for voting will be printed on the ballot paper.

It should be noted that the ballot paper instructions direct electors to use numbers. A ballot paper marked with a tick ✓ or with a cross X may be formal in certain circumstances. However, election material (how-to-vote cards) must not direct electors to use ticks or crosses.

Section 4: Vote counting and election results

4.1 Counting the votes using the optional preferential system

To be elected in the optional preferential system, a candidate must receive 50% + 1 of the formal votes in the count. This is called an 'absolute majority'. For example:

- If there are 476 formal first preference votes in an election, the absolute majority is calculated as:
 $476 \div 2 = 238 + 1 = 239$
- If there are 501 formal first preference votes in an election, the absolute majority is calculated as:
 $501 \div 2 = 250.5$ (disregard the fraction) + 1 = 251

4.2 Initial Count

An Initial Count is conducted for each polling place/vote type. Ballot papers are examined for formality and sorted to the first preference for each candidate or to the Informals/Queries pile, i.e.,

ballot papers where there is no first preference recorded or that cannot be sorted to a candidate as they appear to be informal.

The Initial Count is a manual count following simplified guidelines whereby a ballot paper is sorted as formal if:

- It has a single '1', or a single 'tick', or a single 'cross', and no other preferences; or
- It has two or more preferences, each preference is a number, and there is only a single '1'

This simplified process may result in some formal ballot papers being temporarily sorted to the Informals/Queries pile. These ballot papers will later be sorted to the correct pile when the Informals/Queries pile is reviewed by the election official in charge of the count.

The Initial Count results are published on the NSW Electoral Commission's website elections.nsw.gov.au/NSWALC24

4.3 Check Count

The purpose of the Check Count is to verify the Initial Count and to find and correct any mis-sorts. Ballot papers for each polling place/vote type are re-examined and sorted according to the first preference for each candidate or the informals.

The Check Count is the official count that is used to determine whether a candidate is elected, or whether a Distribution of Preferences is required.

The Check Count results are published on the NSW Electoral Commission's website elections.nsw.gov.au/NSWALC24.

4.4 Distribution of preferences (DoP)

If no candidate has an 'absolute majority' of first preference votes after the Check Count is completed, a distribution of preferences must be conducted to determine the successful candidate.

This means that the candidate with the fewest first preference votes is excluded from the count. That candidate's votes are passed on (i.e. 'distributed') to the other candidates according to the next preference shown by electors on those ballot papers. Ballot papers which do not show a next preference for a continuing candidate are 'exhausted ballot papers' and play no further part in the DoP.

This process of excluding the candidate with the fewest votes continues until a candidate obtains an 'absolute majority'.

If at any time during the DoP a candidate reaches an absolute majority, that candidate is elected.

It is important to remember that the absolute majority is calculated on the total number of formal votes in the count. This number will change throughout the distribution process as ballot papers are exhausted and no longer remain in the count. At the end of each count the absolute majority needs to be recalculated based on the total formal votes remaining in the count.

The Distribution of Preferences report is published on the NSW Electoral Commission's website elections.nsw.gov.au/NSWALC24.

4.5 Exhausted ballot papers

A ballot paper becomes exhausted during a Distribution of Preferences when:

- after the number "1" there are no further preferences shown; or

- a preference (other than “1”) is duplicated (e.g., the number “3” appears twice); or
- where there is a breakdown in the number of preferences (e.g., 1,2,4 – there is no number 3).

A ballot paper becomes exhausted at the point it no longer has a valid preference. For example:

- A ballot paper which has no number 3 will remain in the count and be distributed until the point where it needs to be distributed to the 3rd preference. At that stage it becomes exhausted and is placed in the exhausted pile.

4.6 Scrutiny of the count

The Initial Count of first preference votes of the ordinary ballot papers will commence in the polling places as soon as practicable after voting closes.

Ballot papers from accepted postal vote envelopes and disputed vote envelopes will be counted in the two weeks following election day. These counts will be conducted at the Regional Electoral Officer’s office.

Candidates are entitled to have one scrutineer present at each location that ballot papers are scrutinised and counted and where postal votes are received.

The counting will be carried out by the election officials so that the scrutineer can see each ballot paper, but not in such a way that will unnecessarily delay the counting of votes.

Scrutineers may object to the admission or the rejection of a ballot paper, in which case the election official in charge of the count will determine whether the vote is formal or informal.

The scrutineer may note for his or her own purposes in which bundle of votes a challenged ballot paper is located, so that when the ballot papers are check counted, he or she can ask the Regional Electoral Officer for a decision.

When the ballot papers have been counted, the scrutineers may be asked to sign the Record of Vote sheets as an indication of their presence.

A Check Count of all ballot papers will be carried out in the office of the Regional Electoral Officer in the two weeks following election day. Scrutineers may be present.

The Regional Electoral Officer will conduct the Distribution of Preferences (if necessary) on the Monday following the close of return of postal votes. Scrutineers may be present.

4.7 Ballot paper formality

Overview

An elector must vote for at least one candidate. The elector may choose to show further preferences if the elector wishes.

The Regulation sets out rules governing the ‘formality’ of ballot papers, i.e., whether they can be accepted into the count. In addition, the NSW Electoral Commission has adopted guidelines of good practice in conducting other elections for determining formality.

General formality guidelines

- A ballot paper is formal if:
 - It contains only one first preference '1' but no ticks or crosses (it may contain other preferences).
 - It contains only one tick '√' and no other preferences recorded.
 - It contains only one cross 'X' and no other preferences recorded.
 - It contains only one first preference '1' in a square and a cross 'X' in (or a line through) two or more of the other squares.
 - It contains only one tick '√' in a square, and a cross 'X' in (or a line through) two or more of the other squares and no other preferences.
- A ballot paper on which the elector has recorded a vote by placing in one square the number '1' is not informal by reason only:
 - that the elector has recorded the same preference (other than the first preference) on the ballot-paper for more than one candidate, but the ballot-paper is to be treated as if those preferences and any subsequent preferences had not been recorded, or
 - of there being a break in the order of preferences recorded on the ballot-paper, but the ballot-paper is to be treated as if any subsequent preference had not been recorded.
- Ballot papers are read as a whole. Poorly formed numbers are interpreted in the context of other numbers on the ballot paper.
 - A poorly formed number must bear a reasonable resemblance to an identifiable number.
 - Unconventional but recognisable numbers such as 'continental' number formats are acceptable.
- A number or tick '√' or cross 'X' may be adjacent to but outside a square, or at the end of the candidate's name, if, in the Returning Officer's opinion, the elector's intention is clearly indicated.
- A ballot paper is not informal by reason only that it has not been initialled by an election official, if it bears the prescribed mark.
- A ballot paper is not informal by reason only of it having any unnecessary mark or writing (e.g. drawings or comments) if, in the Returning Officer's opinion, the elector's intention is clearly indicated.
- A ballot paper is informal if it has a mark or writing that, in the Returning Officer's opinion, would enable the elector to be identified and that elector's name is found on the roll for the Region.

Formality examples

Formal votes	How votes are counted
1	1
✓	1
X	1
✓,x,x	1
1,x,x	1
1,x,x,2,3	1,2,3
1,2,3,4,5	1,2,3,4,5
1,2,4,6,8	1,2
1,2,3,3,3,3,4,4	1,2
1,2,2,2	1
1,2,5,6	1,2
1,4,5,6,7	1

Informal votes	How votes are counted
2,3,4,5	Not applicable – the ballot paper is informal
1,1,1	
1,✓,✓,✓,3,4,5	
✓,2,3,4,5	
x,2,3,4,5	
1,✓,x,x,x,3,4,5	
✓,x	
✓,✓,x	
✓,✓,x,x	
1,x	
1,✓	

Note: a ballot paper may contain marks or writing that fall outside the scope of this summary. In such instances, these ballot papers are to be referred to the Regional Electoral Officer who, in consultation with the Returning Officer, will decide whether or not the ballot paper is formal in accordance with the Regulation.

Please refer to the examples of **formal** and **informal** ballot papers on the following pages.

Examples of formal ballot papers

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> 1 WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 1

Formal for Woods: The number 1 appears only once.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input checked="" type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 2

Formal for John: A ✓ on its own is read as a 1.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input checked="" type="checkbox"/> X REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 3

Formal for Reid: A 'X' on its own is read as a 1.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> 1 WOODS, Les	Hay	Residence
<input checked="" type="checkbox"/> 2 CRAIG, Ian	Orange	Residence
<input checked="" type="checkbox"/> 3 REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 4

Formal for Woods: It is not compulsory to number every square.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian <i>Donald Duck</i>	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input checked="" type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 5

Formal for John: Other marks, writings, drawings and comments should be disregarded.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input checked="" type="checkbox"/> 4 SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input checked="" type="checkbox"/> 2 CRAIG, Ian	Orange	Residence
<input checked="" type="checkbox"/> 5 REID, Sally	Cowra	Residence
<input checked="" type="checkbox"/> 1 JOHN, James	Onerwal	Association

Henry LAWSON

Scenario 6

Formal for John: The name Henry Lawson written on the ballot paper was not found on the Region electoral roll.

If the name was **found** on the Region electoral roll, this ballot paper would be **informal**.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input checked="" type="checkbox"/> 4 SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> 2 WOODS, Les	Hay	Residence
<input checked="" type="checkbox"/> 1 CRAIG, Ian	Orange	Residence
<input checked="" type="checkbox"/> 2 REID, Sally	Cowra	Residence
<input checked="" type="checkbox"/> 3 JOHN, James	Onerwal	Association

Scenario 7

Formal for Craig: The number 1 appears only once.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
5 <input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
4 <input type="checkbox"/> WOODS, Les	Hay	Residence
3 <input type="checkbox"/> CRAIG, Ian	Orange	Residence
1 <input type="checkbox"/> REID, Sally	Cowra	Residence
2 <input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 8

Formal for Reid: Numbers are not in squares but are adjacent to them and the voter's intention is clear.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally ✓	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 9

Formal for Reid: The ✓ is not in the square but the voter's intention is clear.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input checked="" type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> WOODS, Les	Hay	Residence
<input checked="" type="checkbox"/> CRAIG, Ian	Orange	Residence
<input checked="" type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 10

Formal for Smith: A ✓ is read as a 1 when crosses or lines (more than one) appear in the squares.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 11

Formal for Woods: A ✓ is read as a 1 when crosses or lines (more than one) appear in the squares.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
1 <input checked="" type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
2 <input type="checkbox"/> WOODS, Les	Hay	Residence
4 <input checked="" type="checkbox"/> CRAIG, Ian	Orange	Residence
6 <input type="checkbox"/> REID, Sally	Cowra	Residence
3 <input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 12

Formal for Smith: The number 1 is not in the square but is adjacent to the square and the voter's intention is clear.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
X <input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 13

Formal for Woods: The X is not in the square but is adjacent to the square and the voter's intention is clear.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian 1	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 14

Formal for Craig: The number 1 is not in the square but is adjacent to the square and the voter's intention is clear.

Examples of informal ballot papers

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

- Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
- You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input checked="" type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 1

Informal: 1 is not formal where there is a single X (or single ✓) in another square.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

- Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
- You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input checked="" type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 2

Informal: X is not read as a 1 when there are other numbers present.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

- Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
- You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input checked="" type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 3

Informal: ✓ is not read as a 1 when there are other numbers present.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

- Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
- You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input checked="" type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 4

Informal: ✓ is not read as a 1 when there is a single cross or single line in another square.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> 1 WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input checked="" type="checkbox"/> 1 REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 5

Informal: Two number 1's on the ballot paper.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input checked="" type="checkbox"/> 2 SMITH, Lois	Wagga Wagga	Residence
<input checked="" type="checkbox"/> 3 WOODS, Les	Hay	Residence
<input checked="" type="checkbox"/> 4 CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 6

Informal: No number 1 on the ballot paper.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
<input type="checkbox"/> WOODS, Les	Hay	Residence
<input type="checkbox"/> CRAIG, Ian	Orange	Residence
<input type="checkbox"/> REID, Sally	Cowra	Residence
<input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 7

Informal: The voter has placed the ballot paper in the ballot box without marking it.

Ballot paper
New South Wales Aboriginal Land Council Election
Sample region
Election of ONE Councillor

• Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.
• You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

Candidates	LALC of which the candidate is a member	Basis of membership
<input type="checkbox"/> SMITH, Lois	Wagga Wagga	Residence
1 <input type="checkbox"/> WOODS, Les	Hay	Residence
2 <input type="checkbox"/> CRAIG, Ian	Orange	Residence
3 <input type="checkbox"/> REID, Sally	Cowra	Residence
4 <input type="checkbox"/> JOHN, James	Onerwal	Association

Scenario 8

Informal: Voter's intention is not clear. You cannot tell which square the number 1 is adjacent to.

4.8 Publishing of results

Following the completion of the Distribution of Preferences to determine the elected candidate, the NSW Electoral Commission will publish the Distribution of Preferences report on its website.

Candidates informed of the result of the count

The NSW Electoral Commission will inform the candidates by email of the result of the count and when the results are available on the website elections.nsw.gov.au/NSWALC24.

4.9 Recount requests

A candidate may request a recount of the ballot papers. A request for a recount must:

- a) be in writing, and
- b) be signed by the candidate, and
- c) set out the reasons for the request, and
- d) be lodged with the returning officer in person or by email within 24 hours of being informed of the result of the count

A copy of the written request for a recount must also be lodged with the Regional Electoral Officer (in person or by email) at the same time as the original is lodged with the Returning Officer.

The best way to lodge a recount request is by email to:

- the Returning Officer at the NSW Electoral Commission at candidates@elections.nsw.gov.au, and
- the Regional Electoral Officer at rososupport@elections.nsw.gov.au

If a request for a recount is made, the Returning Officer may order the Regional Electoral Officer to again scrutinise and recount the ballot papers.

Where a recount is requested and approved, the declaration of the election result will be delayed until the completion of the recount.

Consideration of whether a recount will occur

The Returning Officer will consider any matter that may be relevant at the time to the exercise of the discretion to order a recount, however, the following factors will be considered for each request:

- the level of detail provided in the request about why there is a need for a recount of specific ballot papers (or class of ballot papers); and/or
- whether any identified counting process errors or irregularities in relation to the identified ballot papers could have potentially changed the result of the election; and/or
- the likelihood that a recount could change the result of the election.

A small margin of votes between candidates is highly unlikely, of itself, to be considered a sufficient reason for conducting a recount. Counting in a close election, however, will be closely monitored and, based on an assessment of the progress and circumstances surrounding that count, the Returning Officer may determine that a recount of votes is required in a particular case.

Examples of recount requests that are likely to be refused also include where it appears the only reason for seeking a recount is:

- dissatisfaction with the result;

- because the candidate did not have scrutineers in attendance at a particular scrutiny.

Advice of Recount to Candidates

If a recount is to be undertaken the NSW Electoral Commission will contact all candidates to advise them of the day, time and place for the recount so they have the opportunity to appoint a scrutineer to be present.

Notification of result of election

As soon as practicable after a candidate has been elected, the Returning Officer will:

- a) notify the Minister, the Chief Executive Officer of the New South Wales Aboriginal Land Council and the Registrar, in writing of the candidate who has been elected, and
- b) publish on the New South Wales Electoral Commission's website a notice that the candidate has been elected.

4.10 Disputing elections and returns

The validity of an election for a Councillor to represent a Region, or of any return or statement showing the voting in any such election, may be disputed by an application to the Land and Environment Court (the Court), and not otherwise.

Any person may make an application to the Court under section 125 of the Act within 28 days after the Returning Officer has publicly declared the result of the election that is the subject of the application.

Candidates should seek their own legal advice should they wish to pursue this course of action.

A candidate who was declared as elected, remains elected and holds the position of Councillor, until the Court hearing an application under section 125 of the Act disputing the validity of the election of the candidate, determines otherwise.

Section 5: Scrutineers

A scrutineer's role is to satisfy their candidate that the election process is carried out fairly, impartially, and with integrity. A scrutineer's presence provides an additional level of assurance to candidates and the public regarding the integrity of the election process.

Scrutineers are appointed in writing by a candidate using the **Appointment of Scrutineer form ALC.213** which is available from the NSW Electoral Commission website. A candidate cannot act as a scrutineer.

The scrutineer must hand the completed form to the Polling Place Manager or the Regional Electoral Officer prior to commencing duties.

Identification tags and scrutineers' vests will be issued to scrutineers by election officials. These should be worn when performing duties.

A scrutineer may enter or leave a polling place at any time during the hours of voting and the counting of votes.

A scrutineer may act on the candidate's behalf:

- c) at the taking of votes at each polling place; and
- d) at the place where postal ballot papers are received at the NSW Electoral Commission; and
- e) at the place where the votes are being counted.

Each candidate is entitled to have one scrutineer at each of the above places.

Scrutineers are entitled to inspect the empty ballot box at the polling place and observe the ballot box being secured prior to the start of voting at 8am.

Scrutineers are entitled to observe any questioning of voters by the election officials regarding the voter's entitlement to vote and may request the election official to challenge any voter before allowing them to vote. Where any voter is challenged and the answers to the questions put to them by the election official show the person is entitled to vote, no further questions are asked, and the person will be allowed to vote.

If a voter is blind, has low vision, or has mobility or literacy needs they may ask any person (including the election official) to assist them to mark their ballot paper. Instruction may be given by the elector to the person marking the ballot-paper by handing to them a "how-to-vote" card or a printed or written statement indicating the candidates for whom the elector desires to vote and the order of his or her preferences for them. A scrutineer can observe voting by electors where assistance is being given, but if having seen how the voter has voted, must not disclose that information to any person.

Scrutineers are entitled to witness the close of the polling place at 6pm. No voters will be allowed to vote after 6pm unless they were inside the polling place or on a queue outside the polling place waiting to vote at 6pm.

Scrutineers must not handle ballot papers under any circumstances.

Scrutineers may wear any badge or emblem of a candidate within the polling place but must not interfere with or attempt to influence any voter in the way they wish to vote or talk unnecessarily to any person in the polling place.

Scrutineers can only distribute how-to-vote material outside the polling place.

The attendance of scrutineers is to ensure that all the proper steps are taken during the course of the election and to advise candidates of any perceived deficiencies. The staff of the NSW Electoral Commission and election officials will co-operate with scrutineers in their duties as far as possible and in return would expect scrutineers to comply with any reasonable directions given by the NSW Electoral Commission or an election official.

Section 6: Election offences

Under the Regulation it is an offence to:

- vote or attempt to vote in an election in which the person is not entitled to vote; or
- vote or attempt to vote more than once in an election; or
- make a false or wilfully misleading statement:
 - to the Returning Officer, Regional Electoral Officer or an election official in connection with an election, or
 - in any document that the person supplies for the purposes of an election, or
 - obstruct the proceedings at a polling place or at the office of the Returning Officer, Regional Electoral Officer or an election official; or
 - enter any voting booth at a polling place, otherwise than as authorised under the Regulation, while any other person is in the booth recording his or her vote.

